Hearing Examiner Memo:

Meeting Date: 8/23/2023

Subject: Predators of the Heart, Special Use Permit application

Staff Contact: Kevin Cricchio, AICP, ISA, Senior Planner

Approved for Submittal to Hearing Examiner by	
X	Brandon Black, Current Planning Manager

Action Type	
X	Public Hearing
X	Discussion
X	Possible Action

Summary & Background: At 9:00 AM or soon thereafter on Wednesday, August 23, 2023 (and continued to 8/25/23), an open-record public hearing will be conducted by the Hearing Examiner concerning an application for a Special Use Permit to permit an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property. The subject property lies within the Rural Reserve zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps.

In conjunction with the above Special Use Permit application, the following appeal(s) are being consolidated with this Hearing proceeding per SCC 14.06.060.

- Appeal #PL-0583, filed by Predators of the Heart/Ashley Carr, of Skagit County Planning and Development Services Department November 1, 2022 Mitigated Determination of Nonsignificance (MDNS) decision issued after review of the State Environmental Policy Act (SEPA) checklist completed in conjunction with the review of the above Special Use Permit (#PL22-0133) application.
- Appeal #PL22-0577, filed by Edward & Lynne Borlin; David and Pamela Knutsen; Nolan Berlin and Millicent Swietzer; and Kevin and Jenny Welch of Skagit County Planning and Development Services Department November 1, 2022 Mitigated Determination of Nonsignificance (MDNS) decision issued after review of the State Environmental Policy Act (SEPA) checklist completed in conjunction with the review of the above Special Use Permit (#PL22-0133) application.

Recommendation: Based on a review of the application material submitted, special use criteria, issued SEPA Mitigated Determination of Non-Significance, and the below findings, staff recommends that the Hearing Examiner deny the subject Special Use Permit application. The reasons for the suggested denial are listed in the findings of fact/staff report.

Attachments:

Exhibit #1, Findings of Fact /Skagit County PDS Staff Report, (Click Here)

Exhibit #2, Special Use Permit Application, Narrative, Criteria of Approval, SEPA Environmental Checklist, Maps, & Site Plan, (Click Here)

Exhibit #3, Assessor's Parcel Information & GIS Images, (Click Here)

Exhibit #4, Notice of Development Application + List of Landowners within 300', (Click Here)

Exhibit #5, Public Comments Received:

- Public Comments received during Notice of Development Application public comment period, (Click Here)
- Public Comments received during SEPA comment period, (Click Here)
- Public comments received after comment period(s), (Click Here)

Exhibit #6, Agency/Department Comments Received, (Click Here)

Exhibit #7, Applicant's Response to Comments Received, (Click Here)

Exhibit #8, Issued SEPA Mitigated Determination of Non-Significance (MDNS), (Click Here)

Exhibit #9, Parties of Record, (Click Here)

Exhibit #10, SEPA Appeals Received:

- PL22-0577, David Perez with Perkins Coie, (Click Here)
- PL22-0583, Ashley Carr with Predators of the Heart, (Click Here)

Exhibit #11, Notice of Public Hearing & Revised Notice of Public Hearing, (Click Here)

Exhibit #12, Recorded Short Plat Map, AFN 200903270122, (Click Here)

Exhibit #13, Recorded Protected Critical Area Easement (PCAE), AFN 200903270124, (Click Here)

EXHIBIT #1

FINDINGS OF FACT /SKAGIT COUNTY PDS STAFF REPORT

SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
FINDINGS OF FACT (EXHIBIT #1)

HEARING AUTHORITY: Hearing Examiner

HEARING DATE: August 23, 2023
Continued to August 25, 2023

APPLICATION NUMBER: PL22-0133, Special Use Permit Application

APPLICANT: Predators of the Heart
C/O: Ashley Carr, Manager
6128 Parkside Drive
Anacortes, Washington 98221

LANDOWNER: Predators of the Heart
4709 Welch Lane
Anacortes, Washington 98221

STAFF REPORT PREPARED BY: Kevin Cricchio, AICP, ISA
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, Washington 98273

SUBJECT PROPOSAL:

On March 23, 2022, Skagit County Planning & Development Services received an application for a Special Use Permit to allow an Animal Preserve (Wildlife Education, Conservation, and Sanctuary Center) on the subject property. The subject property lies within the Rural Reserve (RRv) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps. The subject application was deemed complete on April 15, 2022.

The proposed animal preserve has been in operation for many years at this location. The applicant's narrative indicates that the organization has been a part of the Anacortes and Skagit County community for over 23 years. The applicant has applied for an "After the fact" Special Use Permit to allow for the continued operation onsite.

PARCEL NUMBER:

Parcel #: P128398

PROJECT LOCATION:

The subject property is addressed as 4709 Welch Lane, Anacortes, Washington, and is located in a portion of the NE ¼ of Section 35; Township 35 North; Range 01 East; Willamette Meridian, situated in unincorporated Skagit County, Washington

COMPREHENSIVE PLAN LAND USE DESIGNATION & ZONING DISTRICT:

The subject property lies within the Rural Reserve (RRv) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps.

SURROUNDING ZONING & LAND USES:

Direction:	Zoning:	Present Land-Use:
North:	City of Anacortes jurisdiction	Anacortes Community Forest Lands Park
South:	Rural Reserve & Rural Resource Natural Resource Lands Zoning Districts	Single-Family Residences
East:	Rural Reserve & Rural Resource Natural Resource Lands Zoning Districts	Single-Family Residences
West:	Rural Reserve Zoning Districts	Single-Family Residences

MINERAL RESOURCE OVERLAY & BUFFER:

Approximately the southern half of the subject property lies within a Mineral Resource Overlay (MRO) quarter mile buffer. Per SCC 14.16.440(5) & (6), all primary and accessory uses permitted in the underlying Rural Reserve zone are allowed in the Mineral Resource Overlay and associated MRO buffers.

EXHIBITS:	
1.	Findings of Fact/Skagit County PDS Staff Report
2.	Special Use Permit Application, Narrative, Criteria of Approval, SEPA Environmental Checklist, Maps, & Site Plan
3.	Assessor's Parcel Information & GIS Images
4.	Notice of Development Application + List of Landowners within 300'
5.	Public Comments Received

EXHIBITS:	
	• Public Comments received during Notice of Development Application public comment period • Public Comments received during SEPA comment period • Public comments received after comment period(s)
6.	Agency/Department Comments Received
7.	Applicant's Response to Comments Received
8.	Issued SEPA Mitigated Determination of Non-Significance (MDNS)
9.	Parties of Record
10.	SEPA Appeals Received • PL22-0577, David Perez with Perkins Coie • PL22-0583, Ashley Carr with Predators of the Heart
11.	Notice of Public Hearing & Revised Notice of Public Hearing
12.	Recorded Short Plat Map, AFN 200903270122
13.	Recorded Protected Critical Area Easement (PCAE), AFN 200903270124

SITE VISIT:

On April 28, 2022, County staff conducted a site visit on the subject property with the applicant as well as City of Anacortes' staff. The applicant provided a tour of the facility and operation.

EMPLOYEES:

According to the applicant's narrative, Predators of the Heart currently has 5 employees, but this number may increase to 10 if there is a future need. The 5-10 employees include its offsite bookkeeper.

HOURS & DAYS OF OPERATION:

Employees of Predators of the Heart work from 7:30 AM to 4:00 PM Monday-Saturday. Predators of the Heart conducts two (2) private tours Monday-Saturday from 10:00 AM to noon and 1:00 PM to 3:00 PM. Tour groups are said to be 10 people or less. Predators of the Heart is closed to tours on Sundays however the animals are maintained and cared for, nonetheless.

PROJECT ACCESS, TRAFFIC AND PARKING:

Access to the gated animal preserve occurs from Welch Lane. All off-street parking associated with the business occurs onsite.

VISUAL/AESTHETIC IMPACTS:

Any possible visual or aesthetic impacts of the business are mostly limited to the existing abutting neighboring properties. The property is mostly surrounded by mature trees, however.

OTHER REQUIRED PERMITS OR APPROVALS:

The following permits/approvals may be required in addition to the above:

- Commercial Building Permit.

I. DEPARTMENTAL FINDINGS OF FACT:

1. ZONING/COMPREHENSIVE PLAN DESIGNATIONS:

A. **CURRENT PLANNING REVIEW:** The subject property is located in the **Rural Reserve (RRv) Zoning District** designated area as indicated in the Skagit County Comprehensive Plan and associated map.

According to SCC 14.16.320(4)(c), "**Animal Preserve**" uses require a Hearing Examiner approved Special Use Permit in the Rural Reserve Zoning District. Accordingly, the applicant has applied for a Special Use Permit to allow the existing/proposed animal preserve known as "Predators of the Heart." Skagit County Code Chapter 14.04.020 defines Animal Preserves as "*A preserve for the public viewing of wild animals, either on foot or from the car, and either indoors or outdoors.*"

Hearing Examiner special uses shall be reviewed as a Level II permit, pursuant to Skagit County Code, Chapter 14.06. The approving authority's decision may be to grant or to deny an application.

B. The purpose of the Rural Reserve (RRv) zone is "to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and limited employment and service opportunities for rural residents. They establish long-term open spaces and critical area protection using CaRDs as the preferred residential development pattern" SCC 14.16.320(1).

2. PROJECT CHRONOLGY:

A. On December 31, 2014, Predators of the Heart filed an application for a Special Use Permit (**PL14-0543**) to permit the ongoing Animal Preserve use onsite, but was ultimately denied by Skagit County for failure to provide the necessary information as had been requested.

B. On February 3, 2022, a pre-development meeting was conducted with county staff and the applicant/landowner regarding the existing animal preserve located on the subject property.

C. On **March 23, 2022,** Skagit County Planning & Development Services Department received an application for a Special Use Permit.

D. The subject application was **deemed complete on April 15, 2022**.

E. A **Notice of Development Application With Optional SEPA DNS** (**See Exhibit #4**) was published in the Skagit Valley Herald on April 21, 2022. The public comment period ended associated with this notice on May 6, 2022. This Notice of Development Application was also posted onsite in 2 different locations and mailed to neighboring landowners located within 300-feet of the subject property.

F. **Public Comments:** We received a number of public comments (**See Exhibit #5**) during the public comment period regarding the subject application. Most comments received can be characterized as having concerns about the business and/or were opposed to the continued operation of the business. Most of the comments received expressed concerns about the public safety of the neighborhood and residents along with potential threat animals at Predators of the Heart may pose.

G. The applicant was provided copies of all public and agency/department comments (**See Exhibit #6**) received by staff and prepared a response to comments (**See Exhibit #7**).

H. **SEPA Environmental Review**: Following the end of the public comment period, a **SEPA Mitigated Determination of Non-Significance (MDNS)** was issued on November 1, 2022 (**See Exhibit #8**). This MDNS was published in the Skagit Valley Herald on November 3, 2022, posted onsite, and mailed to parties of record. The MDNS contains thirteen (13) mitigation measures/conditions included in Condition #18 below.

I. Appeals associated with the issued SEPA MDNS ended on December 2, 2022. Two (2) appeals were received (**See Exhibit #10**).

J. **Notice of Public Hearing:** A Notice of Public Hearing (**See Exhibit #11**) was published in the Skagit Valley Herald newspaper on **July 6, 2023**, posted on the subject property, and mailed to both parties of record and landowners located within 300-feet of the subject property as is required per SCC 14.06.150(3). The public hearing was cancelled and rescheduled for 9:00 AM on August 23rd and 25, 2023.

On August 3, 2023 a Revised Notice of Public Hearing (**See Exhibit #11**) was published in the Skagit Valley Herald newspaper, posted on the subject

property, and mailed/emailed to both parties of record and landowners located within 300-feet of the subject property.

3. **CRITICAL AREA REVIEW:** The proposal was routed to Skagit County Critical Areas/Shoreline staff [Natural Resource Division] for review. Accordingly, and as conditioned below, all future development, clearing of vegetation, and/or disturbance of soil shall remain outside of the Protected Critical Area Easement (PCAE) as shown on AF#200903240122 (**See Exhibit #13**).

4. **HEALTH UNIT REVIEW:** The application was routed to the Skagit County Planning and Development Services Health Unit (both water and sewer) for review. Based on comments received, the subject Special Use Permit application has been conditioned below accordingly.

5. **CITY OF ANACORTES**: The subject property receives potable water from the City of Anacortes. Skagit County's Planning and Development Services Department received several letters (**See Exhibit #6**) from the City of Anacortes. One of these letters requires the applicant to install and use a backflow prevention device in order to protect the city water supply from contamination. The subject Special Use Permit application has been conditioned below accordingly.

6. **PUBLIC WORKS DEPARTMENT REVIEW:** The application was routed to Skagit County Public Works Department for review. Public Works had no comment regarding what is proposed.

7. **FIRE MARSHAL REVIEW:** The application was routed to the Skagit County Fire Marshal's Office for review. The comments received have been made as conditions below.

8. **BUILDING DEPARTMENT REVIEW:** The application was routed to the Skagit County Building Department for review. The comments received have been made as conditions below.

9. **CURRENT PLANNING REVIEW:** According to SCC 14.16.320(4)(c), "Animal Preserve" uses require a Hearing Examiner approved Special Use Permit in the Rural Reserve (RRv) Zoning District. Accordingly, the applicant has applied for a Special Use Permit to allow for continuation of the existing/proposed animal preserve known as "Predators of the Heart." Skagit County Code Chapter 14.04.020 defines Animal Preserves as "*A preserve for the public viewing of wild animals, either on foot or from the car, and either indoors or outdoors.*"

   Hearing Examiner special uses shall be reviewed as a Level II permit, pursuant to Skagit County Code, Chapter 14.06. The approving authority's decision may be to grant or to deny an application.

10. **SPECIAL USE CRITERIA OF APPROVAL:** According to SCC 14.16.900(1)(a), applications for Special Use Permits must demonstrate that the proposed activity will

not adversely affect or prevent those uses normally allowed within the respective district. The burden of proof shall be on the applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following:

A. THE PROPOSED USE WILL BE COMPATIBLE WITH EXISTING AND PLANNED LAND USES:

APPLICANT RESPONSE:

"POTH has been in operation on this parcel since 2001. We are USDA certified and inspected. We have met all Federal guidelines that are required to house exotic animals. Our facility was inspected in January 2022 and passed all requirements needed to operate. POTH has been approved by USDA to do our wolf encounters. USDA officials have joined in on tours and approved our current program deeming it safe and have met all USDA guidelines of wildlife exhibiting. POTH is a class C exhibitor and holds the highest USDA license available.

Pictures above [as is seen in the narrative] show that neighboring properties are a great distance from each other. There is not only fencing dividing our properties, but the Welch easement is separating us from neighbors.

To reiterate: POTH has been on the property for the last 23 years with only one incident of wolf escape. That issue has been rectified and resolved; the wolf itself was euthanized of the escape, which, again, was likely caused by provocation of an off-leash animal roaming the neighborhood. We have since moved all of the wolves into six-sided enclosures so that escapes are not possible in the evening and morning hours when staff are not on-site. Extensive camera systems have been implemented, and fencing has been bolstered."

STAFF ANALYSIS:

During the public comment period, we received a number of comments from both the public and the City of Anacortes. Many of the comments received reflect concerns they have about having potentially dangerous animals in their neighborhood within close proximity to single-family residences and people. These concerns are warranted since according to the City of Anacortes City Attorney, in the past decade there have been at least 4 documented escapes of wolves or wolf-hybrids from the facility resulting in the deaths of two (2) dogs. Due to these concerns, Skagit County's Planning and Development Services Department does not believe this use (an animal preserve) is compatible with existing and planned uses for the surrounded area.

B. THE PROPOSED USE COMPLIES WITH SKAGIT COUNTY CODE.

APPLICANT RESPONSE:

"POTH falls under the exemptions of Washington State RCW 16.30.020 (c). POTH is a duly incorporated nonprofit animal protection organization (such as humane societies and shelters), and houses animals at the written request of the animal control authority. POTH currently houses dozens of animals at the request of municipal and county animal control(s), the United States military and the USDA. Under RCW 16.20.020, POTH displays animals at state fair(s) approved by the Washington Department of Agriculture pursuant to RCW 15.76 and/or RCW 36.37. This exemption affords POTH opportunities to house and maintain exotic animals. Skagit County's animal law is based on the state dangerous wild animal law, which also prohibits ownership of potentially dangerous wild animals. Animals possessed in violation of these laws must be taken to an appropriate facility; RCW 77.15.250 prohibits the release of deleterious exotic wildlife into the wild."

STAFF ANALYSIS:

The request is to permit the use as an "Animal Preserve" per SCC 14.16.320(4)(c) requiring review and approval of a Hearing Examiner Special Use Permit. SCC 14.04.020 defines "*Animal preserve*" as "*a preserve for the public viewing of wild animals, either on foot or from the car, and either indoors or outdoors.*"

The Department does not believe that the existing/proposed satisfied the requirements of an animal preserve. POTH has allowed more than just viewing. The tours have included physical interaction with the animals according to page 16 of the applicant's combined application written by a mom talking about her child petting a wolf. These activities exceed the scope of animal preserve, which is limited to viewing.

Further, the Department does not believe the current operation meets the exemption criteria specified within SCC 7.04.020, "Potentially Dangerous Wild Animals" or the exception criteria of RCW 16.30.020 for "Wildlife sanctuary."

According to SCC 7.04.030(1), "*A person may not own, possess, keep, harbor, bring into the County, or have custody or control of any potentially dangerous wild animal within the unincorporated area of Skagit County.*"

SCC 7.04.010 defines "Potentially dangerous wild animals" as: (a) all animals listed in RCW 16.30.010(2); (b) all animals of the family Canidae (as dogs, wolves, jackals, or foxes) and their hybrids, except for the domestic dog Canis lupus familiaris; and (c) all cougars.

But SCC 7.04.020 exempts persons and entities listed in RCW 16.30.020, which includes wildlife sanctuaries. RCW 16.30.020(1)(g). A "Wildlife sanctuary" is defined as:

> a nonprofit organization … that cares for animals defined as potentially dangerous and:
>
> (a) No activity that is not inherent to the animal's nature, natural conduct, or the animal in its natural habitat is conducted;
>
> (b) No commercial activity involving an animal occurs including, but not limited to, the sale of or trade in animals, animal parts, animal by-products, or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;
>
> (c) No unescorted public visitations or direct contact between the public and an animal; or
>
> (d) No breeding of animals occurs in the facility.

RCW 16.30.010(5). Notably, possession of a USDA permit is not an exemption from the requirements of SCC 7.04.020.

Predators of the Heart does not meet the definition of a Wildlife Sanctuary because they have been engaged in a commercial activity in violation of RCW 16.30.010(5)(b). In particular, the Department believes the tours offered by Predators of the Heart are analogous enough to constitute the sale of photo opportunities involving the animals.

Furthermore, based on the information provided to us by the neighbors, it appears that Predators of the Heart has engaged in breeding of animals onsite in violation of SCC 16.30.010(5)(d) & RCW 16.30.030(2).

The County also does not believe that the fact that Predators of the Heart claims it houses an animal at the written request of the animal control authority or acting under the authority of this chapter displays animals at state fair (exemptions under RCW 16.30.020(1)(c) & (*l*)) support the issuance of the special use permit. The County reads the exemptions contained in RCW 16.30.020(1) narrow such that they are limited to what is specifically stated in the exemption. Thus, to the extent that POTH is exempt under RCW 16.30.020(1)(c) or (*l*), it is in no way exempts the commercial operation that the application proposes.

For these reasons, Predators of the Heart does not meet the definition of a Wildlife Sanctuary and its commercial operation is otherwise not exempt from the prohibition of having potentially dangerous wild animals in unincorporated Skagit County.

C. THE PROPOSED USE WILL NOT CREATE UNDUE NOISE, ODOR, HEAT, VIBRATION, AIR AND WATER POLLUTION IMPACTS ON SURROUNDING, EXISTING, OR POTENTIAL DWELLING UNITS, BASED ON THE PERFORMANCE STANDARDS OF SCC 14.16.840.

APPLICANT RESPONSE:

"POTH disposes of all animal waste biweekly through trash service. All waste, meat products, and trash are bagged and disposed of properly in accordance with local, state and federal law and guidelines. However, POTH has had issue(s) with local neighbors disposing of chicken and pig waste near its property line frequently.

POTH has been located on the property and doing business as a USDA certified wildlife sanctuary, 501(c)3 non-profit, since 2001. Since that time, there have been no noise, odor, heat, vibration, air or water pollution complaints. POTH has sought to partner with the community to ensure the safety of the community and well-being of its inhabitants, mitigating traffic on its own and ensuring that there are and will not be any undue noise, odor(s), heat, vibration, air or water pollution in accordance with SCC 14.16.840. As a wildlife sanctuary, POTH endeavors to keep the land as natural as possible for the animals and the community."

STAFF ANALYSIS:

The existing/proposed animal preserve could create undue noise, odor, and potentially water pollution impacts on surrounding existing or potential dwelling units in the neighborhood. During the public comment, Skagit County Planning and Development Services Department received a number of comments regarding the subject proposal. Many comments received expressed concerns about the perceived incompatible use (an animal preserve) surrounded by single-family residences and a city park. Additionally, some comments received also expressed concerns about the noise from wolves howling and potential pollution attributed to the animals.

D. THE PROPOSED USE WILL NOT GENERATE INTRUSIONS ON PRIVACY OF SURROUNDING USES.

APPLICANT RESPONSE:

"POTH sends all guests very clear and specific guidelines/directions when they book a private tour on how to get to our property. We have installed 3 small signs to help give directions to our property and prevent guests from mistakenly going to surrounding properties. When guests enter our property gates are closed until the end of the tour. Guests remain on our property from start to finish. Message sent to guests; Good morning, please help us respect our neighbors by following directions to our property! As you come down Welch Lane you will see our Airbnb sign on the back of stop sign telling you to continue straight. As you continue straight you will see a nice, paved road to a beautiful gate on left, THAT IS NOT OURS! (PLEASE DO NOT RING THE BELL ON THIS GATE!!!) Continue straight onto a gravel road where you will see another Airbnb sign is posted. As you pull onto gravel road you will take your immediate left and follow that road all the way to the end. (Sign will have Arrow

pointing you in the right direction) By following these directions you will help us help our neighbors by respecting their private properties!"

STAFF ANALYSIS:

As stated above, many comments received expressed concerns about noise coming from animals at the animal preserve. Wolves howling in a residential neighborhood can be heard a ways away. The existing/proposed use therefore can generate intrusions on privacy on the surrounding uses due to this noise.

E. THE PROPOSED USE WILL NOT CAUSE POTENTIAL ADVERSE EFFECTS ON THE GENERAL PUBLIC HEALTH, SAFETY, AND WELFARE

APPLICANT RESPONSE:

"POTH currently has multi-layered fencing installed to keep the general public out of our facilities. This includes: 8-foot fencing with "dig-outs" as well as additional six-foot fencing to provide a double layer of fencing so that wolves cannot escape. All of our predatory animals, including wolves, are kept in six-sided enclosures overnight so that they cannot escape—this means that there are fences above and below the animals so they cannot dig out or jump out of the enclosure. Our main point of entry has an automatic locking gate with code entry only. We have a 32-camera security system installed to help keep watch on all animals and points of entry. All animals are under a double and triple locking system when staff is completed with their day. POTH would like to get the property fenced in its entirety and relocate the wolves to a central area within the property. We take public safety very seriously and have met all USDA guidelines along with any request made by Skagit County Animal Control."

STAFF ANALYSIS:

The applicant is requesting a Special Use Permit to allow for an existing unpermitted POTH operation to continue operating as an animal preserve. The animal preserve has a number of potentially dangerous animals housed within it that could potentially adversely impact the public's health, safety, and/or general welfare. In the past when wolves have escaped the facility, there have been two (2) documented deaths of dogs. Wolves also pose a risk to humans lives as well. The possession of potentially dangerous wild animals in a dense residential neighborhood just outside city limits within close proximity to a city park is an incompatible use.

F. FOR SPECIAL USES IN INDUSTRIAL FOREST – NATURAL RESOURCE LANDS, SECONDARY FOREST – NATURAL RESOURCE LANDS, AGRICULTURAL – NATURAL RESOURCE LANDS, AND

RURAL RESOURCE – NATURAL RESOURCE LANDS, THE IMPACTS ON LONG-TERM NATURAL RESOURCE MANAGEMENT AND PRODUCTION WILL BE MINIMIZED.

APPLICANT RESPONSE:

"POTH has always and will always strive to keep the land as natural as possible, which will allow for the most give the animals their most tranquil and ecologically similar environment. Keeping the land as native as possible and preserving it's natural state will thoroughly benefit the animals and, as stated, will allow our guests to be most closely immersed in what the natural habitat would be like for these animals. We intend to keep as many of the beautiful, native trees to act as natural buffers on our property, with plans to "top" any dead or dying trees that might cause potential danger to animal enclosures, perimeter fencing, neighboring properties and guests. Our trees are regularly inspected by an arborist to ensure maximum safety. For every tree that is removed or "topped", POTH plants a new tree to ensure the continual growth and renewal of the land's natural state. As soon as is feasible, POTH intends to migrate its energy consumption to solar power in order to reduce its carbon footprint as much as possible."

STAFF ANALYSIS:

This criteria of approval is not applicable as the subject property lies in the Rural Reserve Zoning District of unincorporated Skagit County, not a natural resource land.

G. THE PROPOSED USE IS NOT IN CONFLICT WITH THE HEALTH AND SAFETY OF THE COMMUNITY.

APPLICANT RESPONSE:

"For 23 years POTH has been doing school assemblies, county/state fairs, providing a safe place for animals to go for animal control for several counties. POTH has been USDA certified, inspected, and insured for over 20 years. We have USDA-approved facilities and have met all requirements on a federal level and state level. POTH is constantly making improvements to the facilities to better the animals' lives and ensure the safety of our community. We have also met all requirements set out by Skagit County Animal Control. POTH is regularly inspected by federal authorities, most recently in September, as well as state and local authorities."

STAFF ANALYSIS:

The existing/proposed use (an animal preserve) could potentially conflict with the health and safety of the community. In the past, there have been several documented escapes of wolves &/or hybrids from the facility and according to the City of

Anacortes City Attorney, killed two neighboring dogs. If this happened again, a child or adult could be the next victim. The existing/proposed animal preserve use is very much in conflict with the health and safety of the community.

H. THE PROPOSED USE WILL BE SUPPORTED BY ADEQUATE PUBLIC FACILITIES OR SERVICES AND WILL NOT ADVERSELY AFFECT PUBLIC SERVICES TO THE SURROUNDING AREAS, OR CONDITIONS CAN BE ESTABLISHED TO MITIGATE ADVERSE IMPACTS ON SUCH FACILITIES.

APPLICANT RESPONSE:

"As explained above, POTH has been and will continue to be a vital resource for local law enforcement, military, animal control(s), DFW, and other government entities. These entities confiscate animals, such as cougars, alligators, and other exotic animals and, without organizations like POTH, would have to simply kill these animals. Having POTH as a resource allows these animals to remain alive, and further, providing an educational service to the community. Our facility only brings value to the surrounding areas and community. We bring in tourists from all over the United States and the world before COVID. We recommend our local restaurants, hotels and parks to up to 20 people a day, 6 days a week. We also provide a resource of education to our local schools, boys and girls clubs, girl scouts, and boy scouts."

STAFF ANALYSIS:

As conditioned below, the existing/proposed use will be supported by adequate public facilities or services.

I. THE PROPOSED USE WILL MAINTAIN THE CHARACTER, LANDSCAPE AND LIFESTYLE OF THE RURAL AREA. FOR NEW USES, PROXIMITY TO EXISTING BUSINESSES OPERATING VIA SPECIAL USE PERMIT SHALL BE REVIEWED AND CONSIDERED FOR CUMULATIVE IMPACTS.

APPLICANT RESPONSE:

"Again, POTH's goal is to keep the land as natural as possible, keeping the beautiful buffer of trees, plants and other vegetation that surround it. In a world that is driven by development, POTH's property is being used to preserve the natural habitat of the land, and will continue to do so. This is in stark contrast with a developer or other builder that might intend to simply tear down the trees, vegetation and shrubbery. We do plan to top any dead trees that may cause potential danger to enclosures, perimeter fencing, or neighbor's properties, but, as noted above, re-plant any tree that is removed due to its death or topping. Our goal is to ensure the land stays beautiful and forested as intended. There is no other

business in close proximity to our non-profit 501(c)3. We will be keeping the Rural setting for our business as much as possible and will continue to do so as long as our operations can continue."

STAFF ANALYSIS:

According to Skagit County Code 14.16.320(1), the purpose of the Rural Reserve zone is "….to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and limited employment and service opportunities for rural residents. They establish long-term open spaces and critical area protection using CaRDs as the preferred residential development pattern."

The existing/proposed animal preserve is surrounded predominantly by single family residences and a popular City of Anacortes park. The existing/proposed use will not maintain the character, landscape, and lifestyle of the rural area and is thus incompatible with the neighborhood.

II. STAFF RECOMMENDATION:

Based on a review of the application material submitted, special use criteria, issued SEPA Mitigated Determination of Non-Significance, and the above findings, staff recommends that the Hearing Examiner **deny** the subject Special Use Permit application**.**

Skagit County's Planning & Development Services Department feels that the subject application for a Special Use Permit should be **denied for the following reasons**:

- The subject application does not meet one or more criteria of approval as listed above.
- The existing/proposed animal preserve is an incompatible use to the existing and proposed uses in the neighborhood.
- The existing/proposed use will not maintain the character, landscape and lifestyle of the rural area and neighborhood.
- The existing/proposed animal preserve could potentially be in conflict with the health and safety of the community.
- The existing/proposed animal preserve has several potentially dangerous animals within it that could potentially adversely impact the public's health, safety, &/or general welfare.
- The existing/proposed animal preserve could create undue noise, odor, and potentially water pollution impacts on surrounding existing or potential dwelling units in the neighborhood.

- Wolves howling in a residential neighborhood can be heard a ways away. The existing/proposed use therefore can generate intrusions on privacy on the surrounding uses due to this noise.

If, however the Hearing Examiner grants approval to the subject application for a Special Use Permit, Planning & Development Services Department recommends the following Conditions of Approval as listed below.

III. CONDITIONS OF APPROVAL:

If the Hearing Examiner approves the Special Use Permit, the Department recommends the following conditions of approval:

1. Both a building permit and grading permit (if required) with Skagit County Planning & Development Services shall be secured prior to work.
2. All applicable permits (local, state, and federal) shall be secured before any construction activities begin onsite. Copies of permits shall be provided to the Skagit County Planning & Development Services Department.
3. The applicant shall be responsible for reimbursement to Skagit County Planning & Development Services Department for the full cost of mailing(s) and newspaper publication associated with the Notice of Development Application, Notice of Issuance of SEPA MDNS, Notice of Hearing, and Notice of Decision.
4. Development shall comply with SCC 14.16.900 regulating Special Use Permits in unincorporated Skagit County including but not limited to:
    A. All special uses, including master planned resorts, shall require a development project be commenced for the entire parcel within 2 years of the permit approval, unless development is phased. For the purposes of this Section, "commenced" shall mean either (1) the use permitted by the permit has been established or (2) a complete building permit has been filed with Planning and Development Services for the principal building which will allow the use. Upon building permit approval, the principal building shall be completed (i.e., final inspections completed) within 3 years. Those portions of the property, which are not included within the development area and where the above time frames are not met, shall automatically be removed from the special use approval, unless a phasing plan is approved pursuant to Subsections (1)(d)(i) and (iii) of this Section. For purposes of this Subsection, "development area" shall mean all portions of the site needed to meet UDC requirements, such as lot coverage and setbacks.
5. Further review will be needed by Planning and Development Services if any major change occurs in the intensity of the use outlined in the application or if additional expansions are proposed.

6. All animal waste shall be double bagged and disposed of in approved manner per waste management company that serves the subject property. Contact the waste management company for more information and specifics on the matter.

7. Per SCC 14.16.900(3), the landowner/applicant shall self-certify that the activities approved pursuant to the Special Use permit issued by Skagit County are occurring in accordance with all approvals including any conditions.

8. The applicant/landowner shall grant Skagit County's Planning & Development Services Department, Code Enforcement, Sheriff's Office, Animal Control Officer, and the Fire Marshall the Right of Entry to the subject property when requested for the purpose of inspections, code compliance, and compliance with the subject special use permit's conditions of approval. Should right of entry be denied, Skagit County may rescind the approval for the proposed limited kennel special use permit.

9. Planning and Development Services may refuse issuance of a Special Use Permit, or rescind an approved Special Use Permit, if it is discovered that the applicant has been convicted of animal cruelty as defined in Chapter 16.52 RCW.

10. Planning and Development Services may refuse issuance of a Special Use Permit, or rescind an approved Special Use Permit for an Animal Preserve that is in violation of any of the provisions of Chapter 7.02 SCC.

11. The applicant/landowner shall have an inspection from Skagit County Animal Control. Additionally, the applicant/landowner shall allow Animal Control to inspect as needed following obtaining a Special Use Permit.

12. This permit shall be void if the use is discontinued for more than one (1) year.

13. This permit is not transferable to other operators or new property/landowners if the property is sold.

14. Noise levels shall not to exceed those standards as established by the state and Skagit County pursuant to RCW 70.107 RCW, WAC 173.60, and SCC 14.16.840.

15. The applicant shall comply with WAC 173-60 and SCC 14.16.840 for noise, vibration, and light conditions.

16. All exterior lighting shall be down-shielded thereby preventing light trespass on neighboring properties.

17. All improvements required herein including the issued SEPA MDNS shall be permitted, constructed, and inspected within 3 years from the date of this approval. Notwithstanding, the subject special use permit will be revoked.

18. Development shall comply with the November 1, 2022, issued **SEPA Mitigated Determination of Non-Significance (MDNS)** as follows:

    A. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, must be in place prior to the

placement of any fill material. The applicant must maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Stormwater Management Ordinance (Mitigation Measure #1).

B. The applicant must comply with Northwest Clean Air Agency (NWCAA) requirements (Mitigation Measure #2).

C. The applicant must comply with the provisions of Chapters 14.32 and 16.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces. Best Management practices must be utilized throughout the life of the project (Mitigation Measure #3).

D. This project may be subject to a National Pollutant Discharge Elimination Systems (NPDES) permit. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Northwest regional Office at (206) 594-0000 (Mitigation Measure #4).

E. The applicant must comply with both Skagit County Building and Fire Code Standards (Mitigation Measure #5).

F. The applicant must comply with all relevant provisions of Chapter 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance). Any future development, clearing of vegetation, and/or disturbance of soil must remain outside of the PCAE as shown on AF#200903240122 (Mitigation Measure #6).

G. The proposal, and site development, must comply with all applicable requirements of SCC 14.16.320 regulating the underlying Rural Reserve Zoning District (Mitigation Measure #7).

H. Should any human remains, archaeological, historic, or cultural materials be discovered during construction, work in the affected area must cease immediately and the area must be secured. Within 24 hours of the discovery, or as soon thereafter as possible, the developer must notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation, and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required, the project developer must retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area may only continue when in conformance with applicable state and federal laws (Mitigation Measure #8).

I. Electrical Safety: The applicant/landowner must obtain electrical permits from the Washington State Department of Labor and Industries (L&I) for all electrical work. Copies of permits must be kept on site and available. All electrical systems currently installed and/or to be installed, must be permitted, inspected, and approved by the Washington State Department of Labor and

Industries (L&I). These electrical systems must be inspected annually, with all records readily available to the county and the city upon request (Mitigation Measure #9).

J. Development must comply with all requirements of the **Skagit County's Public Health Department** including but not limited to (Mitigation Measure #10):

   J1. Operations with employees require connection to an approved public water source.

   J2. Meet the requirements of Skagit County Solid Waste Code SCC 12.16. A solid & hazardous waste permit is required.

K. Development must comply with **Skagit County's Fire Marshall's Office**, including but not limited to (Mitigation Measure #11):

   K1. Access must meet the Skagit County Standards for commercial use for driveway width and turnarounds for emergency apparatus.

   K2. Property and buildings must meet the 2018 IFC Standards for commercial use. Required to schedule a fire inspection in part of the Special Use Permit and inspection must be completed prior to any scheduled events.

   K3. Gated entrance to have emergency access (KNOX) installed and emergency procedure plan to be provided to responders.

   K4. Property is located within the wildland-urban interface (WUI) and further fire code will apply during permitting review of the buildings.

   K5. Identify the availability of fire flow and distance to the nearest hydrants.

L. Development must comply with all requirements of the **City of Anacortes** including but not limited to (Mitigation Measure #12):

   L1. Per AMC 13.24.030, a backflow prevention device must be installed. Please contact the City of Anacortes Public Works Department for more information and a permit. This backflow prevention device must be installed immediately and in accordance with City standards.

   L2. Water connection: The applicant must obtain and pay for all costs associated with ensuring its connection to the City water system is properly sized for its intended use. Additionally, because the applicant is changing its use from the residential connection to a commercial use, the applicant must install all required backflow prevention devices determined to be required by the City.

M. Development must comply with all requirements of **Skagit County's Planning & Development Services Department** including but not limited to (Mitigation Measure #13):

   M1. **Signage**: Onsite signage must include contact information where neighbors and governmental officials can get ahold of Predators of the Heart staff 24

hours a day 365 days a year with concerns, complaints and/or emergencies. This information must also be placed on the POTH company's website clearly viewable and accessible to all.

A sign must be placed outside of the main gate listing the managers cell phone number where complaints and/or concerns can be made 24 hours a day 365 days a year.

Along perimeter fencing, the applicant must install signs indicating that the property is private and that there are wild animals located on the property. Signs must be placed every 50 feet along all property boundaries including the Anacortes Community Forest Lands (ACFL).

M2. The applicant/landowner must also provide all property owners within 600 feet of the subject property a 24-hour contact phone number where neighboring property owners can call to report concerns, complaints and/or emergencies.

M3. The applicant must obtain a land survey of the subject property from a Washington State licensed land surveyor if property corners, and boundaries are not known.

M4. All wolves, wolfdogs, and any non- *felis catus* cats (e.g., cougars, mountains lions, bob cats, etc.) and similar carnivorous and potentially dangerous animals that are onsite must always be placed/housed in 6-sided metal fenced enclosures when staff is not present such as breaks, afterhours, the weekend, holidays, etc.

M5. All animal waste must be disposed of in approved manner per Skagit County Public Health Department and the Waste Management company that serves the subject property. Contact theses offices for more information and specifics on the matter.

M6. The applicant/landowner must have at a minimum a bi-annual joint inspection by both Skagit County and City of Anacortes Animal Control offices. The onus is on the applicant to arrange this joint meeting with county and city staff. All recommendations made by city and county staff during this visit must be followed.

Furthermore, the applicant/landowner must allow both Skagit County and City of Anacortes Animal Control to inspect the site as is needed following obtaining a Special Use Permit.

M7. All parking associated with the business must be onsite and must not include Skagit County or City of Anacortes road right-of-way(s), private roads, or neighboring private/public properties.

M8. **Emergency Response**: Should it be determined that any of the animals housed onsite escapes, the manager/staff and/or applicant/landowner must immediately lockdown the business and fences and call the Skagit County Sherriff's Office, Skagit County Animal Control Office, Skagit County Planning and Development Services Department, City of Anacortes Police Department, City of Anacortes Animal Control Officer, City of Anacortes Fire Department, City of Anacortes Parks & Recreation Department, and abutting/contiguous neighboring landowners informing them of this emergency. Predators of the Heart must also inform these parties what actions and response they are taking to capture any escaped animals. The applicant/landowner must have a standard call out list which at a minimum includes all of the parties that are listed above.

The business must be responsible for any costs associated with recovering their animals by county/city staff /departments and any damage or harm that they could potentially cause.

M9. The applicant/landowner must comply with the following **fencing standards**:

1) The entire subject property for POTH must have **primary perimeter fencing** installed around the entire subject property. At a minimum, the perimeter fencing and gates must consist of 9 gauge, 2" square, 8' chain link fencing with metal support poles set in concrete spaces no more than 6 feet apart.

2) The perimeter fence must be a minimum eight (8) feet in height (above grade), with at least two (2) feet at the bottom of the fence (more info & deviations discussed below).

   Perimeter fencing must also include a two (2) foot tip out (to prevent animals from escaping) extension at the top of the fence at a 45-degree angle with an electric wire strung at the top of the fence on the inside of the enclosure.

   The total height of perimeter fence above grade is ten (10) feet which includes the eight (8) foot tall fence plus the two (2) foot tip out.

3) A **secondary perimeter fence** is required that is at least five (5) or more feet inward from the primary perimeter fence. The secondary perimeter fence must also meet the same standards as the primary perimeter fence.

4) **Below Grade Fencing**: Both the primary and secondary perimeter fences and gates must have chain link fencing installed that adjoins the ground. For both primary and secondary perimeter fencing, concrete with reinforced mesh must extend two (2) feet vertically into the ground and be attached to the base of the chain link to prevent animals from digging out.

If this requirement [below grade concrete with reinforced mesh] is impracticable, any deviation thereto that is either comparable or greater in its ability to prevent animals from escaping below the chain link fencing may be considered by Skagit County's Planning & Development Services Department.

5) All entrances and exits must have double gates and be at least eight (8) feet tall. Latches must be secure and lockable. Fencing must be attached to the inside of the gate so that the framework cannot be used as a ladder.

6) As discussed above, perimeter fencing must be installed around the entire subject property. No Variance is required for 8-foot fencing (above ground) with two (2) foot tip out (to prevent animals from escaping) on the respective property lines provided a Commercial Building Permit is first approved for it.

M10. All animal enclosures must be located inside of the secondary perimeter fence. Wolves, wolf hybrids, bobcats, cougars, and similar animals that are a threat to humans must at all times be housed in 6-sided fenced enclosures. All enclosures must contain a shelter from the elements and must provide adequate drainage to allow animals to find dry ground in wet conditions. Enclosures must contain enough vegetation and ground cover to provide the animal with shade, hiding places and grass to eat. However, no trees or bushes shall be located too close to the fence.

M11. The applicant/landowner must comply with the following standards for **animal runs**:

1) All animal runs must be located inside of the secondary perimeter fence.

2) There must be **perimeter checks of the wolves' daytime enclosures** daily to look for vulnerability, including fallen trees, damage or tunnels by animals, broken fence or wiring, etc. These daily inspections should be reported in a daily log and along with any work plans to complete needed repairs. Emergency repairs should be fixed immediately. These daily logs must be made available to city or county officials upon request.

M12. The applicant must hire **a ISA Certified Arborist a minimum of 3 times per year** to evaluate the trees along the fence lines (internally and external to the property). Evaluations and the action necessary to mitigate the hazard must be paid for by POTH. All records related to arborist reports, mitigation requirements, and repair work must be available to the county and city upon request.

M13. The applicant/landowner must install both motion detected lights that monitor the area within the perimeter fencing and surveillance video equipment that

automatically alerts the facility's manager via cell phone of movement within the perimeter fencing and/or encroachment by an animals within.

M14. Electronic surveillance measures must be used at all times by staff to monitor the operation remotely from afar during afterhours, weekends, and holidays.

M15. The wildlife preserve must be manned at all times. When the facility is closed, a caretaker must be present on the property

M16. When wolves, wolf hybrids, bobcats, cougars, or similar animals that are a threat to humans are allowed outside of their 6-sided enclosures into fenced in run areas, GPS, VHF, or similar tracking collars must be placed on the animals.

M17. The applicant/landowner must comply with all USDA requirements. Should there be a conflict in what the USDA requires, the applicant/landowner must contact Skagit County Planning & Development Services Department to coordinate the appropriate response.

M18. There is no maximum number of animals that Predators of the Heart may house onsite provided they meet all USDA standards/requirements and Skagit County Code including but not limited to Chapter 7.04 regulating potentially dangerous wild animals.

M19. Following Special Use Permit approval, the applicant/landowner must provide Skagit County Planning & Development Services and the City of Anacortes' Parks and Recreation Department with a revised site plan that shows including but not limited to:

1) Location of all property corners/lines for the subject property
2) Location of the 2 required perimeter fences
3) Location of all double fenced entrances and gates
4) Location of all animal enclosures. Identify what animal species are where.
5) Location of all existing structures (and proposed) onsite including any caretaker Residence
6) Location of onsite parking for staff and guests
7) Location of any onsite critical areas, associated buffers, and/or protected critical area assessment easement (PCAE)

N. Development must comply with all requirements of the Skagit County Planning Development Service's Building Division including but not limited to:

N1. All structures – (Buildings under a 120 Square Feet with heat or plumbing, All Buildings structures over 120 S.F, Cages, Fences over 7' tall, containers) requires a building permit and engineering.

N2. Permanent restrooms are required on site for employees and guest.

O. Outdoor burning: The applicant must follow safe outdoor burning protocol along with seasonal burn bans.

P. Operation limitations: The applicant must not engage in any unsafe practices involving wolves or similar carnivorous animals.

19. Predators of the Heart must become and maintain accredited membership with an independent oversight organization such as the American Zoo Association, the Association of Zoos & Aquariums (AZA), or similar organization that is acceptable to both Skagit County's Planning and Development Services Department and Prosecuting Attorney's Office.

20. Predators of the Heart must obtain and maintain a liability insurance policy associated with its business that is acceptable to both Skagit County's Planning and Development Services Department and the Prosecuting Attorney's Office.

21. During the first quarter of each year, Predators of the Heart must submit a Financial Plan to Skagit County's Planning and Development Services Department that guarantees its animals will be cared for in perpetuity.

22. Tours at Predators of the Heart shall be limited to 9:00 AM to 4:00 PM Monday through Saturday. No tours are permitted on Sundays and holidays observed by Skagit County.

23. The applicant must at all times comply with all requirements of this SEPA Mitigated Determination of Non-Significance (MDNS) and the Conditions of Approval associated with the Special Use Permit.

    If any requirements, mitigation measures, and/or condition of approval are <u>not being met</u> as determined by county staff, Skagit County Planning & Development Services Department may revoke/rescind the Special Use Permit approval that permits an Animal Preserve on the subject property thereby requiring a cease and desist of the use on the subject property.

<u>Prepared by: Kevin Cricchio, AICP, Senior Planner</u>

<u>Reviewed by: Brandon Black, Current Planning Manager</u>

EXHIBIT #2

SPECIAL USE PERMIT APPLICATION, NARRATIVE, CRITERIA OF APPROVAL, SEPA ENVIRONMENTAL CHECKLIST, MAPS, & SITE PLAN

- **A narrative that includes numbered responses to the following:**
    1. **Describe your proposal/business.**

Predators of the Heart (POTH), a 501(c)(3) organization, has been a part of the Anacortes and Skagit County community for over twenty-three (23) years. Our chief consideration is safety, and we aim to educate the community about animals as described below as well as to serve local agencies (i.e. local animal control, Department of Fish and Wildlife (DFW) and other federal agencies such as the military and United States Department of Agriculture) to be a rescue and a resource for their needs.

(a) Safety

Safety is our primary concern. Our processes, procedures and protocols have been vetted by local (Anacortes) Animal Control, United States Department of Agriculture and DFW. We are routinely inspected (both scheduled and at random). Our most recent inspection was on **September 23,2021** A common misconception is that our wolves are rescues—they are not. Our wolves are bred, and are taught/trained to be "ambassador" wolves—they help the general population to understand humans and are introduced to them at an early stage of their life. At one point, POTH was receiving so-called "big cats" as rescues, but will be phasing out big cats.

In any event, we have worked closely with DFW, the USDA and local agencies, including Skagit County animal control, to ensure an exceedingly safe environment. In 23 years, we have had only one escape, and that escape was mitigated—the wolves were captured in under 30 minutes. That instance was likely instigated by a leashless dog (a major problem on the trails), and, as a result, the wolf that was responsible for the escape has since been euthanized. Again: POTH takes the safety of the community very seriously and put the wolf down in an abundance of caution.

As outlined below, our wolves and other animals (including, but not limited to, predatory animals) are kept in six-sided enclosures overnight. This means that they cannot dig out or jump out of the enclosure. On the wolf-runs, we have layered fences: at least two "layers" with one of the fences being "hot" or electrified. The outer "runs" also have 6-8 foot "dig outs" which also disallows the wolves from jumping over any fencing. There are additional plans to increase the fencing by adding overhangs onto the existing fencing to further protect the wolves and neighboring properties.

(b) Education

For over 20 years, POTH has been educating all ages: from church functions to school assemblies to private tours, POTH has built a reputation in the community by educating individuals on the animals themselves, the local ecosystem(s), the essential nature of animals in the Pacific Northwest, wildlife preservation, and children. More recently, POTH has assisted the Make-a-Wish Foundation with children who are gravely ill experience wildlife in a safe and secure manner.

POTH has diligently served the community and has been a resource of information, which is why it also is a resource for local law enforcement, the nearby military base, the USDA and DFW, to name only a few. POTH works to explain to its guests and the broader community the importance of these animals and the role they play in the PNW ecosystem, and in particular the ecosystem of Skagit and surrounding counties. As a result, children and adults have a greater understanding and appreciation not only of the animals and the role that they play in the ecosystem, but of their impact (and ours) on the world around us. These lessons lead to greater efforts in wildlife preservation and conservation.

(c) Rescue

As noted above, POTH also serves as a critical resource for local animal control agencies (most recently, Pierce County, Thurston, King and Snohomish) the military, local law enforcement, DFW and USDA. Each of these agencies trusts POTH's ability to safely and securely house these animals, and care for them for the duration of their lives if necessary. While we do limit the number of animals that we take in, POTH strives to continue to build those relationships. We have partnered with the aforementioned agencies and have become a vital resource to the community as a result.

As an example: POTH was recently contacted by the military to assist with a wild animal on the base at Oak Harbor. Our team worked overnight with military agencies to detain the animal safely and securely and house it.

Within the last month, Pierce County animal control received over 10 birds due to a seizure operation. POTH was a resource available to the Pierce County animal control, assisting in containing these birds, but also housing, feeding and caring for the birds while the investigation continues. Without POTH, the seizure could not have taken place and the animals likely would have been euthanized.

Often, after these investigations are complete, the animals have nowhere to go. If not for POTH and its efforts, the animals would almost certainly be euthanized. POTH also advises and assists in the re-homing process, which alleviates the stress that would be added to local government regarding finding suitable homes for these animals. POTH takes great pride in serving local, state and federal agencies in this way and looks forward to continuing to do so.

POTH has also been reached out to by the general public. We were recently contacted by an elderly woman who was suffering with CPOD. She called stating she was no longer capable to provide the proper care for her 30-year-old blue and gold macaw and 2 cockatiels. POTH came to her home and was able to help her by taking the birds into our care, providing them with much needed medical care. We now can take the time needed to ensure the birds are in good health taking the proper steps to find them the suitable forever home.

Animal controls will often refer POTH to citizens who may own animals illegally. Authorities will often give them 2 weeks to rehome the animal to a qualified sanctuary before pressing charges. We recently were surrendered an american alligator and a 14-year-old bobcat from the recommendation of Pierce County Animal Control. The animals would have been euthanized if POTH could not have provided them with the properly permitted forever home.

As a point of emphasis: none of the wolves housed by POTH are rescues. They are all bred for the purpose of wildlife education, and, from a very early age, are exposed to humans to be "ambassador" wolves.

We provide them to sanctuaries and re-introduction programs, a critical part of the PNW conservation and naturalization efforts, preserving and building the PNW ecosystem—their reintroduction builds the PNW ecosystem by allowing other species to thrive. We are all connected, and this sanctuary reminds our guests of that.

- Predators of the Heart (POTH) has been a 501(c)3 non-profit organization since 1998. We have traveled to schools and libraries within our community and outside of Skagit County, educating young and old alike for the last 23 years. POTH has been dedicated to helping all species of exotic animals who, for various reasons, are without a place to live the rest of their lives. We are USDA certified, inspected, and insured and have met

all USDA caging standards and guidelines. We not only have provided proper housing to these exotic animals, but we pride ourselves on wildlife education. Many of the animals saved by POTH are used as ambassadors to further instruction regarding the importance of their species and the need for conservation. Our goal is to reach the hearts of people and leave them with a new appreciation for wildlife and its importance. Our current private tour, "Howling with Ambassadors", has been Federally approved by the USDA. They have joined our tours and have set the guidelines we follow as USDA Class C exhibitors, to safely provide a life-changing educational program to outside people 18 or older. POTH has had the opportunity of sharing our educational experience with many Skagit County residence in the last several years. The Skagit County community who has visited our compound have become supporter of POTH and the work we do, seeing the value we bring to this community.

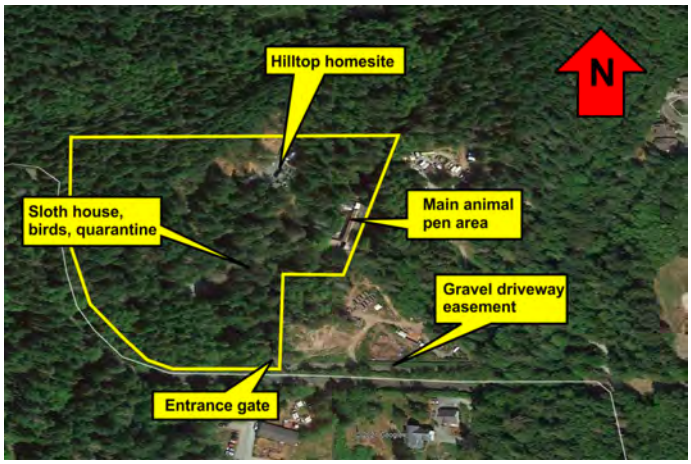
Being the fourth generation of the Anacortes community, POTH's president, Ashley Carr, personally strives to give back to this beautiful community. We now offer virtual tours to our local school districts, homeschooling programs, boys and girls clubs, and boy and girl scouts, to educate our young people on how each animal plays a vital role in the web of life. We also support our local companies such as a T-Shirt by Design, which does all our printing and embroidery for our merchandise, Lake Side Industries, for any rock and gravel needs, STS, for any tree removal or clean-up, are just a few of many local companies that we use to better our business. We also provide a brochure that has the local restaurants and things to do in our Anacortes. We can send up to 120 new people through our small town each week. Utilizing our hotels, local restaurants, other experiences, and sightseeing of our amazing parks. POTH brings great value to our small business and community.

2. **Describe what days and hours will your operation be open.**
   - POTH operates Monday- Saturday through private tours only. We offer two tours a day, 10 am-12 pm and 1 pm-3 pm. We limit the number of people who can come to our onsite tours to small groups of 10 people each tour. POTH is closed for tours on Sunday, but animals are maintained and fed according to their feeding schedule(s).
3. **How many employees will you have?**
   - 5-10 employees. POTH currently has five employees, including its offsite bookkeeper.
4. **What will your employees' working hours be**?
   - 7:30 am-4 pm Monday-Saturday ((depending on the day); POTH is closed for tours on Sunday, but animals are cared for on Sundays. (DISCUSS WE DO NOT FED SUNDAYS IT IS THEIR DAY OF REST TOO)
5. **Will employees work on site?**
   - Yes, with the exception of our bookkeeper, our employees will be working on site of 4709 Welch Lane, Anacortes, WA 98221.
6. **How many employees will work off-site?**
   - 1 employee who will work off-site is our bookkeeper.
7. **Describe the location and size of any signs you propose to advertise your operation.**
   - We currently are not actively advertising. When we do advertise, it will be online advertising through our website, Airbnb, and social media.
8. **How do you propose to screen your operation from public view? E.g., plants, shrubs, fences.**
   - We are currently a very private property. Our property is in a very remote location with minimal traffic. We have extensive fencing that is currently being extended; blackout covering will be added shortly. Additionally, our plans are to add "set-backs" from the fence an additional 6-8 feet with an additional perimeter fence. This would reduce the

likelihood of off-leash dogs or other animals being able to antagonize and/or cause anxiety for any of the POTH animals, including the wolves.

9. **Describe your proposed parking area.**
   - POTH has a small parking space already that will fit 7-10 cars on site. There are no current plans to change the parking spaces.
10. **Describe your schedule, including any phasing, for the development of your operation.**
   - POTH has plans to do extensive fencing, as noted above. POTH intends to create additional set-backs (also known as "perimeter fencing") and add blackout covering to existing fencing, moving wolf enclosures to a centralized area. Currently, the wolves are in six-sided fencing overnight, which means that they cannot escape by digging. Centralizing our wolf-enclosures will reduce their anxiety, create a more tranquil environment for them. POTH currently also has extensive security fencing, including so-called “hot” fences (i.e. electric fences). Other phased construction will include adding glass enclosures for other reptiles to benefit our guests and the public in the educational process.
11. **Describe the expected traffic impact of your operation on public roads.**
   - Generally, we see about 5-10 cars a day, including employees. Private groups that have visited POTH generally come together, and we limit the number of people allowed on site at any one time.
12. **Describe any internal road system your operation will have.**
   - In our compound, we have a turnaround and parking
   - 
13. **Describe how your operation will be accessed.**
   - Security is a critical component of our operation. We have extensive fencing, which has been thoroughly vetted by local, state and federal authorities. This includes dig-outs as well as electric fencing that is always operational. Our gate system is a locked remote open, chain-linked fence. The only time our gate is open is when employees enter or our guests are let in by staff. The general public have no way to enter the property with a vehicle unless the gate is opened by our staff. The gate is only opened at the time of tour to allow entry to allow guests access to the property. To enter the compound you turn off Havekost Rd, onto Welch Lane Rd. At the end of the Welch Lane there is access to our gravel easement road. The easement road is approximately 400 feet long and leads you to our locked gate. There is a ditch for drainage on either side of the easement road. There are no other access roads that lead into our compound.
14. **Describe any heat from machinery or equipment that your operation will generate.**
   - N/A
15. **Describe any noise your operation will generate.**
   - POTH has been on this property since 2001 and has never had a complaint about the noise, which would be the occasional wolf howling. Even with groups on site, the property is exceedingly quiet.

16. **Describe any odors your operation will generate.**
    - None.
17. **Describe any steam, smoke, or dust your operation will generate.**
    - None.
18. **Describe any vibrations your operation will generate.**
    - None.
19. **Describe any heavy equipment or machinery your operation will use.**
    - None.
20. **Describe any chemicals, waste oil, solvents, fuel, etc, your operation will store.**
    - None.
21. **Describe your plan for disposal of any chemicals.**
    - No chemicals are used, as this is an animal sanctuary. As a result, no chemicals are produced, used or generated and, further, no disposal is necessary. Animal remains are disposed of via humane methods; animal carcasses are generally cremated at Evergreen Pet Cremation in Oak Harbor, WA
22. **Describe your plans to prevent trespassing by employees, customers, or visitors to adjoining property.**
    - There is extensive fencing that covers the areas of operations. Not only has POTH posted conspicuous signage at all areas of access on the property, but the property is also fully fenced, including multiple layers of fencing, hot-fencing (interior) and dig-outs to prevent animal escapes. The fully fenced areas are to ensure the safety of animals and the public. At night, the wolves are secured in six-sided enclosures, meaning they cannot dig out of their enclosures. All guests on tours remain with an employee from the time of check-in to check-out to ensure no trespassing onto the adjoining properties. Property lines are clearly marked by fencing and or markers to ensure there is no confusion by employees or neighbors. There are only 2 adjoining properties, Welch easement, and Johnson's estate. The back half of the property is adjoining to parklands and no trespassing signs have been posted clearly for outside hikers. There are additional plans to add additional fencing between the trails and the property to prevent hikers or other individuals from trespassing onto the POTH property.
23. **If your operation will use a building please describe the size, height and construction type. This building must be**
    - 12x12 Gift Shop which was permitted by Skagit county. The retail building is the only permanently installed improvement that is recognized by the Skagit County assessor. It has 220 square feet and is secured to a post and beam foundation. It was constructed in 2017 under a building permit and is attached to a semi-truck trailer and a steel cargo shipping container which are both parked side-by-side.
    - shown on the site plan.
    - 

- 

24. **Describe the sewage disposal plan for employees and the public.**
    - 2 outhouses pumped biweekly by diamond rentals. In 2019, Septic # 60998, a 2 compartment, with 1750 tank, gravity flow, was installed at hilltop homesite area. (See map above).
25. **Describe the water supply for employees and the public.**
    - We have one mainline coming in. We have one handwashing station for visitors and employees. Because we limit the number of guests at any one time, the one handwashing station is sufficient for our guests and is accessible by both employees at guests at any given time. Bottled water is provided to guests.
26. **Address any fire flow issues.**
    - There are no fire flow issues.

- ♦ A narrative that includes numbered responses to the following General Special Use Permit Evaluation Criteria.[2] The burden of proof is on the applicant to provide evidence that the use complies with the criteria.
    1. **Demonstrate that the proposed use is compatible with the neighboring properties.**
        - POTH has been in operation on this parcel since 2001. We are USDA certified and inspected. We have met all Federal guidelines that are required to house exotic animals. Our facility was inspected in January 2022 and passed all requirements needed to operate. POTH has been approved by USDA to do our wolf encounters. USDA officials have joined in on tours and approved our current program deeming it safe and have met all USDA guidelines of wildlife exhibiting. POTH is a class C exhibitor and holds the highest USDA license available.
        - Pictures above show that neighboring properties are a great distance from each other. There is not only fencing dividing our properties, but the Welch easement is separating us from neighbors.
        - To reiterate: POTH has been on the property for the last 23 years with only one incident of wolf escape. That issue has been rectified and resolved; the wolf itself was euthanized of the escape, which, again, was likely caused by provocation of an off-leash animal roaming the neighborhood. We have since moved all of the wolves into six-sided enclosures so that escapes are not possible in the evening and morning hours when staff are not on-site. Extensive camera systems have been implemented, and fencing has been bolstered.
    2. **Demonstrate that the proposed use complies with Skagit County Code. Please cite code section.**

POTH falls under the exemptions of Washington State RCW 16.30.020 (c). POTH is a duly incorporated nonprofit animal protection organization (such as humane societies and shelters), and houses animals at the written request of the animal control authority. POTH currently houses dozens of animals at the request of municipal and county

animal control(s), the United States military and the USDA. Under RCW 16.20.020, POTH displays animals at state fair(s) approved by the Washington Department of Agriculture pursuant to RCW 15.76 and/or RCW 36.37. This exemption affords POTH opportunities to house and maintain exotic animals. Skagit County's animal law is based on the state dangerous wild animal law, which also prohibits ownership of potentially dangerous wild animals. Animals possessed in violation of these laws must be taken to an appropriate facility; RCW 77.15.250 prohibits the release of deleterious exotic wildlife into the wild.

3. **Demonstrate that the proposed use will not create undue noise, odor, heat, vibration, and air or water pollution on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.**
    - POTH disposes of all animal waste biweekly through trash service. All waste, meat products, and trash are bagged and disposed of properly in accordance with local, state and federal law and guidelines. However, POTH has had issue(s) with local neighbors disposing of chicken and pig waste near its property line frequently**.**
    - POTH has been located on the property and doing business as a USDA certified wildlife sanctuary, 501(c)3 non-profit, since 2001.Since that time, there have been no noise, odor, heat, vibration, air or water pollution complaints. POTH has sought to partner with the community to ensure the safety of the community and well-being of its inhabitants, mitigating traffic on its own and ensuring that there are and will not be any undue noise, odor(s), heat, vibration, air or water pollution in accordance with SCC 14.16.840. As a wildlife sanctuary, POTH endeavors to keep the land as natural as possible for the animals and the community. .
4. **Demonstrate that the proposed use will not generate intrusions on privacy of surrounding uses.**
    - POTH sends all guests very clear and specific guidelines/directions when they book a private tour on how to get to our property. We have installed 3 small signs to help give directions to our property and prevent guests from mistakenly going to surrounding properties. When guests enter our property gates are closed until the end of the tour. Guests remain on our property from start to finish. Message sent to guests; Good morning, please help us respect our neighbors by following directions to our property! As you come down Welch Lane you will see our Airbnb sign on the back of stop sign telling you to continue straight. As you continue straight you will see a nice, paved road to a beautiful gate on left, THAT IS NOT OURS! (PLEASE DO NOT RING THE BELL ON THIS GATE!!!) Continue straight onto a gravel road where you will see another Airbnb sign is posted. As you pull onto gravel road you will take your immediate left and follow that road all the way to the end. (Sign will have Arrow pointing you in the right direction) By following these directions you will help us help our neighbors by respecting their private properties!
5. **Demonstrate that proposed use will not cause potential adverse effects on the general public health, safety, and welfare.**
    - POTH currently has multi-layered fencing installed to keep the general public out of our facilities. This includes: 8-foot fencing with "dig-outs" as well as additional six-foot fencing to provide a double layer of fencing so that wolves cannot escape. All of our predatory animals, including wolves, are kept in six-sided enclosures overnight so that they cannot escape—this means that there are fences above and below the animals so they cannot dig out or jump out of the enclosure. Our main point of entry has an automatic locking gate with code entry only. We have a 32-camera security system installed to help keep watch on all animals and points of entry. All animals are under a double and triple locking system when staff is completed with their day. POTH would

like to get the property fenced in its entirety and relocate the wolves to a central area within the property. We take public safety very seriously and have met all USDA guidelines along with any request made by Skagit County Animal Control.

6. **For special uses in the Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL zones, demonstrate that the impacts on long-term natural resource management and production will be minimized.**
    - POTH has always and will always strive to keep the land as natural as possible, which will allow for the most give the animals their most tranquil and ecologically similar environment. Keeping the land as native as possible and preserving it's natural state will thoroughly benefit the animals and, as stated, will allow our guests to be most closely immersed in what the natural habitat would be like for these animals. We intend to keep as many of the beautiful, native trees to act as natural buffers on our property, with plans to "top" any dead or dying trees that might cause potential danger to animal enclosures, perimeter fencing, neighboring properties and guests. Our trees are regularly inspected by an arborist to ensure maximum safety. For every tree that is removed or "topped", POTH plants a new tree to ensure the continual growth and renewal of the land's natural state. As soon as is feasible, POTH intends to migrate its energy consumption to solar power in order to reduce its carbon footprint as much as possible.
7. **Demonstrate that the proposed use is not in conflict with the health and safety of the community.**
    - For 23 years POTH has been doing school assemblies, county/state fairs, providing a safe place for animals to go for animal control for several counties. POTH has been USDA certified, inspected, and insured for over 20 years. We have USDA-approved facilities and have met all requirements on a federal level and state level. POTH is constantly making improvements to the facilities to better the animals' lives and ensure the safety of our community. We have also met all requirements set out by Skagit County Animal Control. POTH is regularly inspected by federal authorities, most recently in September, as well as state and local authorities.
8. **Demonstrate that the proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.**
    - As explained above, POTH has been and will continue to be a vital resource for local law enforcement, military, animal control(s), DFW, and other government entities. These entities confiscate animals, such as cougars, alligators, and other exotic animals and, without organizations like POTH, would have to simply kill these animals. Having POTH as a resource allows these animals to remain alive, and further, providing an educational service to the community. Our facility only brings value to the surrounding areas and community. We bring in tourists from all over the United States and the world before COVID. We recommend our local restaurants, hotels and parks to up to 20 people a day, 6 days a week. We also provide a resource of education to our local schools, boys and girls clubs, girl scouts, and boy scouts.
9. **Demonstrate the proposed use will maintain the character, landscape, and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts. Nothing has changed and we have tried to keep the rural settings for our business**
    - Again, POTH's goal is to keep the land as natural as possible, keeping the beautiful buffer of trees, plants and other vegetation that surround it. In a world that is driven by development, POTH's property is being used to preserve the natural habitat of the land, and will continue to do so. This is in stark contrast with a developer or other builder that might intend to simply tear down the trees, vegetation and shrubbery. We do plan to top any dead trees that may cause potential danger to enclosures, perimeter fencing, or

neighbor's properties, but, as noted above, re-plant any tree that is removed due to its death or topping. Our goal is to ensure the land stays beautiful and forested as intended. There is no other business in close proximity to our non-profit 501(c)3. We will be keeping the Rural setting for our business as much as possible and will continue to do so as long as our operations can continue.

Additional Questions requested

A. **Please describe/outline in detail what regulations the operation is required to comply with and how the operation is, or will be, run in accordance with those regulations.**

POTH has been in operation on this parcel since 2001. We are USDA certified and inspected regularly. We have met all Federal guidelines that are required to house exotic animals. Our facility was inspected in September 2021 and passed all requirements needed to operate. POTH has been approved by USDA to house and exhibit wolves. USDA officials have joined in on tours and approved our current program deeming it safe and have met all USDA guidelines of wildlife exhibiting. POTH is a class C exhibitor and holds the highest USDA license available. POTH also operates according to the exemptions of Washington State RCW 16.30.020 (c), which allows for an incorporated nonprofit to house animals at the written request of animal control (or an authority acting as animal control, such as a sheriff or local law enforcement agency). **(POTH houses several animals at written request and turned over by Animal control directly)** POTH also falls under RCW 16.30.020 (l) A person displaying animals at a fair approved by the Washington department of agriculture pursuant to chapter **15.76** or **36.37** RCW; **(POTH completes at least one State fair yearly to comply with current RCW Codes of exemption).**

B. **What safety protocols do you have in place and how do they comply with the USDA regulations.**
POTH meets all the USDA safety protocols and is required on a federal level to comply with the regulations set by the USDA. POTH has developed extensive safety protocols and procedures regarding who can handle the animals, feeding and maintenance schedules, behavioral procedures regarding predatory animals (i.e. wolves, cougars and venomous snakes), escape procedures, severe weather procedures regarding animal care and husbandry, veterinary care procedures and protocols and apparel and dress protocols. See attached Exhibit A, "Safety Protocols & Procedures". Note: the attachment is not an exhaustive list of our protocols and procedures but are available upon request for Skagit County review.

C. **Please provide a list of the types and number of animals currently on site and what types and amounts of animals may be proposed on site for the future.**

Current animals at POTH:
Mammals: 3 cougars, 2 bobcats, 24 wolfdogs, 3 sloths, 1 armadillo, 2 opossums, 1 coatimundi, 2 marmosets, 1 fox, 1 giant anteater, 1 north American porcupine, 1 stripe skunk, 1 hooded skunk, 3 sloths, 2 kinkajous, 4 raccoons
Birds: 1 Eurasian eagle owl, 1 vulture, 2 ducks, 1 lady Amherst pheasant, 2 golden pheasants, 3 blue and gold macaw, 2 military macaw, 1 Catalina macaw, 6 sulfur-crested cockatoos, 1 citron cockatoo, 1 lord Darby, 6 plum head parakeets, 1 blue fronted amazon, 1 double yellow amazon, 20 parakeets, 2 cockatiels, 1 emu
Reptiles: 5 alligators, blue tongue skink, Savanah monitor, 2 iguanas, 2 reticulated pythons, 4 ball pythons, 1 rattle snake, 1 carpet python, 1 rainbow boa, 1 albino python, 1 blood python, 1 caiman lizard, 1 beaded lizard, 2 Burmese pythons, 4 sulcata tortoises, 2 red footed tortoises

Prediction to be onsite in future: We cannot predict what will be onsite in future. We can say it will be in the category of smaller mammals, small/mid-size cats, birds and reptiles. We do not ever know the

requests that will be made by Animal Control, Fish and Wildlife and outside governmental agencies. We do not take in outside adult wolves or big cats.

D. **Describe in detail how the animals are kept: Types and location of enclosures, fencing (length, height, location, etc.), amount of area required for each (i.e., square footage, acreage?) and what amount of area is currently provided for each.**

ALL ENCLOUSURES ARE UNDER LOCK AND KEY PADLOCK SYSTEM. Each animal caging requirement is different depending on species, but is in full compliance with USDA regulations as well as animal control and DFW guidelines -All small mammals have 6 sided enclosures. This means bottom of enclosures are lined with a wire mesh or chain-link and they are topped. All small mammal enclosures have a 6' with tilt in perimeter fence that with at least a 3' walkway in between enclosure and perimeter per USDA requirements.





-All wolf enclosures are at least 6'-8' high. Our post and stretch fencing is 6' and our chain-link panel are 8' high with electric wire running top and middle and bottom. Wolves in our bottom part of our compound have 6' fencing with a 6' perimeter fence with 1.5' tilt ins. Wolves in bigger 1–2-acre runs are 6' high with 1' tilt in's and a 3-strand hot fence system 8-9 volt. Wolves are put away into night runs when staff is unavailable to supervise in bigger runs. All night runs are 24'x24'x8' with cattle panel bottoms, chain-link tops with solid roof tops. All night runs placed within the acer runs act as permitter fence for night runs. Both permitter doors and cage doors are locked with padlocks. This is more than is required by the USDA.





-3 cougar enclosures and 1 bobcat enclosure are 24’x36’ each. They all have chain-link roof. Per USDA guidelines all cat enclosures must have a covered walkway /perimeter fence. All cats have a 3’ walkway all the way around enclosures that is topped. It also includes an additional 6’ with tilt in perimeter fence for extra safety.



-Bird flights are chain-link and topped. No dig outs are required for these enclosures.



- South American Trailer- Sloths, armadillo, kinkajous and tortoises are kept in a 40’ mortified insulated container. This ensures that temperatures remain over 80 degrees as each animal housed in this facility requires that temperament for survival.



- Reptile house. Reptile house is another 40’ refer unit and contains wooden enclosures with glass fronts and consist of all sizes to accommodate species of snakes or lizards. Reptile house temperature is always set at 82 degrees. The main heat source is propane furnaces. Some reptiles require UVB lighting and cages are set up to accommodate the special lights needed.





- E. **Describe how the animals are cared for. When and how often are they fed and what the food source is. When and how often are they inspected by a veterinarian and does that take place on or off site. How often are the enclosures cleaned?**

POTH has a staff that cares for these animals daily. All animals' enclosures are cleaned daily. Mammals and birds are fed daily Monday-Saturday and fasted on Sunday. Reptiles are on a strict feeding schedule according to their species requirements. Food comes from our donors of Walmart, Chief Store, Del Fox Meats and local farmers. As many of our animals come to us as rescues and require specialized diets, we also purchase supplement foods from Mazuri Exotic Foods, Chewy, Rodent Pro, Costco, Amazon and other exotic animal food sources. All animals are inspected by veterinarian at least 1 time a year, unless medical attention is needed. Animals are both seen by a veterinarian on and offsite depending on medical reason.

F. **Describe how the waste is handled. How and where is it disposed of? How often is it disposed of?**

POTH disposes of all animal waste biweekly through trash service waste management. All waste, meat products, and trash are bagged and disposed of properly and in accordance with local, state and federal law.

LETTERS OF RECOMMENDATION:

February 4, 2022

CITY OF ANACORTES

Matt Miller, Mayor - Personal
Planning,Community & Economic Development
City Council
Administrative Services
Public Works
Anacortes Parks & Recreation
City Attorney

Anacortes Chamber of Commerce

This letter is being written in connection with “Predators of the Heart” a non-profit sanctuary for wolves and other animals located near Anacortes, Washington in Skagit County Washington.

It is my understanding that Predators of the Heart its endeavoring to update and/or acquire permits for the facility and they have been met with some resistance.

My wife and I have lived in Anacortes for over 20 years. I presently live very close to Predators of the Heart facility. During my ENTIRE time living in Anacortes I have-not heard any adverse or negative statements concerning Predators of the Heart!

I did not know of the existence of Predators of the Heart until approximately 5 years ago when I received a telephone call from my granddaughter (Chloe) who lives in Ohio asking why i did not take her to see the wolves in Anacortes. I told her that I did not know about it and would certainly take her and family to Predators of the Heart on their next visit providing was safe etc.

My investigation found the facility to be safe, educational, and an opportunity to expand one’s knowledge through face to face interaction with the wolves and other animals. We, my family from Ohio visited the sanctuary on their very next trip from Ohio which was a very short time after the call from my granddaughter.

Have visited the Predators of the Heart site several times since learning of existence! Each time I have found the facility to be in exceptional condition, safe, and in constant upgrading to ensure future safety for both the animals in the complex and the adjacent public. On each visit the staff was a class act.

I know our government has regulations and procedures in place that require a non-profit animal sanctuary to meet and maintain high standards and is subject to frequent audits. Since

Predators of the Heart has been in existence for over 20 years - it has obviously met the requirements.

What a huge opportunity “Predators of the Heart” is for educational purposes for our local community!

It also adds to our water endeavors, such as kayaking, whale watching, fishing and hiking etc. that our wonderful island offers. In addition, it generates revenue to the city of Anacortes when people visit and use/enjoy our restaurants, lodging, and shopping at our unique stores.

It is ironic, that I found the existence of Predators of the Heart because a Ohio couple on their honeymoon visited the facility - told my granddaughter how great it was - who called me and bawled me out for not taking her there - WOW what a powerful advertiser word of mouth is!!! “Predators of the Heart” is a WIN WIN for the City of Anacortes, Skagit County, and our entire local area!

It is very safe, in my opinion, and must have met all government regulations for the 20 plus years it has been in existence.

I ask for support from our city, county and whoever else to approve what is necessary to keep this wonderful educational, revenue generating and unique facility operating for the benefit of people in the future.

Thank you in advance for considering my first hand knowledge of “Predators of the Heart”.

Sincerely,

Pete Nelson, Former General Director of Risk Management Department of a (self-insured) Large Corporation and Adjunct Instructor, Business Law and other business subjects at Skagit Valley College for 10 plus years

cc: Predators of the Heart

PREDATORS OF THE HEART ANACORTES

To: Ms. Ashley Carr, Administrative Manager

This letter is in regards to, “Predators of the Heart,” a non-profit organization for animal conservation located in Skagit County, near Anacortes WA. This organization is also the host of “Wolf Encounters,” an experience that provides visitors with an opportunity to spend time with the animals in an up-close and safe environment. As someone who has attended the Wolf Encounter experience and has interacted with the other animals at the site, I would like to share my experience with you.

My father has lived in Anacortes for over 20 years now and my family has made many trips from Ohio to visit and enjoy the beauty of the city and surrounding waters. We have whale watched, kayaked, hiked and hit the downtown shops and restaurants. About 5 years ago, my daughter who works at Goodyear Tire and Rubber Headquarters in Ohio, sent me a text demanding to know why we had never gone to Predators of the Heart! Apparently, a recently married co-worker and his wife went there while traveling the Pacific Northwest on their honeymoon. The reason was we didn’t know it was there! Predators of the Heart sits in the woods near my dad’s house, but he didn’t know of it either. Of course, he scheduled a visit right away and loved every moment of it and we set up a tour on our next trip to see him. It was an experience we all talk about to this day! How else would you ever get an opportunity to touch, pet and get an up close interaction with a wolf (Max and his mom for us), sloths, albino skunks, a cougar and others? The tour was personal, educational and at NO time did any of us feel anything but safe!

We were in absolute awe of the animals and the work done there to allow others a small moment of that experience. It was truly amazing. I know my dad has returned and taken others since then to experience it with the same appreciation.

Apparently, the organization is facing scrutiny and the concerns of a few that its present location is unsafe. I would like to refute that by again saying it felt very safe for my family; I took my children there! On our visit we did the tour with a young couple from Seattle. This is where they go every year for a wedding anniversary gift, because of the love and respect they shared for the work. Since that time, I have made several charitable contributions to Predators of the Heart to offer something that supports the important work that they do. I believe it is important to appreciate wildlife as something more than a photo or a meal. The interaction with the animals should be personal to build respect and educational to foster true understanding of wildlife. This has been the mission of Predators.

I truly feel this place offers a rare opportunity for the Anacortes area. It is an attraction, the same as kayaking and whale watching, and brings people into a small town that otherwise might not be visited. People visit, they eat there and probably stay which is revenue for the local businesses and, most importantly, they leave and share their unique experience with others. It is truly a one of a kind adventure.

I would ask for the support of local and county decision makers in keeping this resource available to the general public. It is a jewel to the owners, and they take great care in the stewardship of it for all the right reasons.

Thank you in advance for your consideration of my thoughts and ask.

SINCERELY,

DANA NELSON, RN MN APRN CNS 3

Dear Mr. Mayor,

We write to you in support of Predators of the Heart (PH) which we understand is seeking a required permit from Skagit County. We are directing comments to your Office because we hear that the City is expressing opposition to PH's permit application on the grounds that there is lack of interest and support within the community.

We live in the County just outside Anacortes City Limits. We shop, of course in Aancortes, patronise local restaurants, many other businesses and amenities there. We are supporters of PH. Our immediate families live in Seattle and Atlanta, and it is their practice to rent facilities within Anacortes when they visit us. On several occasions, we have visited PH, and with our families too. It has always been a rewarding, informative, and uplifting experience. We ourselves are avid world travelers (and erstwhile trekkers); wild places and wild animals being our primary interests. PH fits well with our love of nature.

We hope our comments are useful, and, of course, would be happy to answer any questions you may have.

Respectfully, Hugh and Wendy Kendrick

11342 Mainsail Lane
Anacortes, WA 98221
360-293-0932

Colin & Deanna Emsley
2200 20th Place, Anacortes, WA 98221
360-333-2387
colinsmarine@gmail.com
emsley.deanna@gmail.com

Dear Recipient,

It is our sincere pleasure to enthusiastically recommend that Predators of the Heart be given permission to continue operating within Skagit County, and specifically within the vicinity of Anacortes.

We have been residents of Anacortes for nearly twenty years and have operated a tourist-oriented marine business during that entire time. We have witnessed time and time again the incredible impact that Predators of the Heart ("POTH") has on visitors to this area. Every group that we refer to POTH comes away absolutely spellbound by the experience. We have had clients make repeated trips back to Anacortes specifically so that they could incorporate a visit to POTH.

As residents who live less than 3-miles away from POTH, it is no surprise to us at all that everybody who visits the sanctuary is forever changed by the experience. The unique combination of animals at POTH, combined with the unparalleled ability to get such an intimate look into their lives, truly sets POTH apart.

Beyond the majesty of the animals themselves is the incomparable passion that the entire POTH team has for their critical dual mission of conservation and education. It is this dual mission more than anything else that truly sets POTH apart, and which in turn helps set Anacortes apart.

We beam with pride each time we refer our clients to POTH, and we relish our own visits to the sanctuary as often as possible.

Anacortes is always quick to tout its commitment to the natural playground within which it sits. A continued commitment to POTH is critical example of living up to that heritage and pledge.

Regards,

Colin & Deanna Emsley

SAFETY PROTOCOLS

(ANIMAL RECAPTURE PROTOCOLS)

INTRODUCTION

PURPOSE

Purpose is to properly house and exhibit exotic animals at POTH wildlife sanctuary/conservation located at 4709 Welch Lane, Anacortes, WA 98221. All POTH enclosures have met USDA guidelines and are designed for safe containment through housing, shifting, holding and transporting. However, no matter how well enclosures are designed, and safety protocols are followed, escape is a possibility. Therefore, POTH has created a "Safety Protocol" including an animal escape and recapture protocol. This is to ensure quick and safe recapture in the event of an animal escape. A safety guideline has been established to protect visitors, employees and neighbors from possible harm. Ensuring routine facility practices are reviewed to help prevent similar situations from occurring.

Our goal is to create this "Safety Protocol" to help prevent escapes and ensure proper training is given to staff on how to respond quickly and efficiently in case of an emergency. We accomplish this by providing clear guidelines, roles, responsibilities, procedures and tools needed in any situation. Our objective of the "Safety Protocols" is to provide the proper training, tools and drills ensuring best practices are accomplished. POTH will be performing at least 2 training drills a calendar year. This practice will ensure that staff can safely implement all aspects of a recapture plan should an escape occur.

ASSOCIATED EQUIPMENT

Blowpipe 180DM w/ Detachable Mouthpiece, CO2 Deluxe Pistol, Jab stick, Bear Spray, Blow Horn, Ruger EC9s 9MM (Concealed carrier license Ashley Carr, Danny Overman)

KEY DUTIES FOR OPERATION TIERS

TIER I (EXPERT HANDLER/MANAGEMENT)

Expert handlers have a minimum of 5 years of animal husbandry, handling, training and on the job experience. Expert handlers have been through big cat training and are USDA certified of POTH to handle big cats. POTH board of directors will determine if a staff member is qualified to be a tier I.

TIER II (INTERMEDIATE HANDLER)

Intermediate handlers at POTH must have 2 years of animal handling training or on the job experience. Intermediate handlers may handle all species of animals except for big cats (any exotic cat over 65lbs)

TIER III (BASIC HANDLER)

Basic handlers must have 6 months (40 hour work weeks) of on the job training with a tier II or tier I handler. The Basic Handler will perform tasks of feeding the animals, cleaning their living and sleeping areas, and other aspects of basic care. Animals for a tier III will help with wolf encounters under tier I or II supervision and start training in basic wolf behavior and handling.

TIER IV (HANDLER IN TRAINING)

Staff member in training before handling any animals. Must have 25 days of training before performing basic tasks without supervision. No animal handling will be performed without Tier 1 supervision and training.

TIER REQUIREMENTS FOR HANDLING ANIMAL

1. BIG CAT

Tier I handlers ONLY may enter enclosures with big cats. Tier II may perform daily care for big cats including, feeding, watering and cleaning. All big cats must be in lock out for Tier II to enter the enclosure. Tier II may shut lockouts for Tier III and IV to perform daily tasks. Tier II must lock lockout so no tiers III or IV can enter an enclosure with a big cat.

2. SMALL CATS

Tier I and Tier II handlers ONLY.

3. WOLF DOG

Wolf dogs ambassadors may be worked with by Tiers I,II,III. Tier IV must be supervised by a Tier I or Tier II to enter the cage of wolf dog ambassador.
Wolf dogs in conservation status (not public working wolves) may only be worked with by Tier I and Tier II.

4. SMALL MAMMAL

Small mammals may be handled by Tiers I, II, and III. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, water and feed, and complete basic maintenance needed in enclosures.

5. BIRDS OF PREY AND BIRDS

Tiers I, II, and III may handle birds. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, feed and water, and complete basic maintenance needed in enclosures.

6. REPTILE (NON-VENOMOUS)

Tiers I, II, and III may handle reptiles. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, feed and water, and complete basic maintenance needed in enclosures.

7. REPTILE (VENOMOUS)

Tier I and Tier II ONLY may handle or care for venomous reptiles.

ANIMAL ESCAPE/RECAPTURE PROTOCOL

REPORTING ESCAPE OF DANGEROUS ANIMAL

KEEP THE ANIMAL UNDER OBSERVATION FROM A SAFE DISTANCE UNTIL HELP ARRIVES. DO NOT ATTEMPT TO RECAPTURE, HERD, OR APPROACH AN ESCAPED ANIMAL ALONE. Each and every animal escape, regardless of relative danger posed by the animal, is to be reported. Dangerous animal escapes must be reported immediately to a Tier I employee by hand-held radio or by phone if unreachable by radio. The employee reporting the escape should remain calm, speak deliberately and clearly and provide the following information to the best of their knowledge:

1. Animal species that escaped.
2. If animal is still in perimeter fencing
3. The number of escaped animals observed
4. Exact location of animal(s)
5. Direction of animal(s) movement
6. Condition and behavior of animal (injured, panicked, running, etc)

Employees must have a handheld radio while working. Radios are available in the POTH gift shop. Radio is set to the correct channel. Incident report must be completed after capture

REPORTING ESCAPE OF NON-DANGEROUS ANIMAL

Animals not listed in the dangerous animal section of this document are not considered an immediate potential danger to employee's, visitors, or neighbors. Some animals are highly mobile (e.g. small primates) and can possibly be difficult to recapture. Other animals that are less mobile will allow for an easier capture. Responses to escapes by these species may or may not require the full response team like required for dangerous animals. All escapes must still be reported. If the escaped animal requires a significant level of staff response to support quick recapture it should be reported via radio to POTH staff immediately. For cases involving highly benign species with poor mobility (e.g. turtles or small ducks) the first report can be made directly to Tier I or Tier 2 staff members to help and ensure safe capture of animals. Incident reports must be filled out after safe capture of animals.

ESCAPE OFF POTH COMPOUND

In cases where an escaped animal leaves POTH grounds (is beyond the limits of the perimeter fence) the president or other persons in charge will instruct notify the following agencies by calling 911 dispatch:

1. Skagit County Animal Control
2. Anacortes Animal Control
3. Anacortes Police Department
4. Anacortes Fire Department
5. Mt. Erie Volunteer Fire Department

POTH will send a Tier 3 employee to the Emergency staging area (Front Main Gate) to meet the responding agencies and provide POTH radio to allow communication and coordination between outside agencies and the recapture team.

KEY RESPONSE AUTHORITIES

Tier I - Ashley Carr: 360-770-7479
Tier II Employee onsite
Skagit County Animal Control: Emilly Diaz: 360-428-3211
City of Anacortes ACFL: 360-293-1918
Asa Deane at Friends of the Forest ACFL: 360-399-6184
Diana Forbes DVM, USDA, APHIS: 206-478-4881
Caleb Stewart Legal Console: 425-455-3900

WEAPONS MANAGEMENT

Blowpipe 180DM w/ Detachable Mouthpiece, CO2 Deluxe Pistol, Jabstick, **Ruger EC9s 9MM (Ashley Carr / Daniel Overman ONLY)**

TIERS DUTIES AND RESPONSIBILITIES IN ESCAPE

TIER I RESPONSE DUTIES

- Contact 911/USDA if animal escapes POTH property
- Evaluate situation
- Give clear guidelines and plan for recapture plan to tier II
- Carry appropriate weapon if necessary

TIER II RESPONSE DUTIES

- Perform responsibilities of Tier 1 if not on premise
- Work with Tier I to recapture animal
- Carry appropriate weapon for capture if necessary
- Update Tier III with current status of capture

TIER III RESPONSE DUTIES

- To set up a base at the main gate to allow proper authorities if needed if an animal escapes off POTH property.
- To provide updates and communication to outside agencies if animals escape off POTH property. (POTH radio to be provided to agencies)
- To provide any tools necessary to staff for safe recapture
- Contact local agencies not associated with 911 or USDA if requested by Tier I

TIER IV RESPONSE DUTIES

- Check ALL perimeter fences are properly closed including front gate
- Stand at camera monitor and monitor animal movement/capture
- If animals escape during a tour, escort the tour group safely to the gift shop and have them remain calm.
- To complete any task given by Tier I or Tier II

AUTHORITY CONTACTS

TIER I CONTACTS

Ashley Carr / President 360-770-7479
Daniel Overman / Vice President 360-982-8313

SKAGIT COUNTY CONTACTS

Skagit County Animal Control- Emilly Diaz: 360-428-3211

USDA

Diana Forbes DVM, USDA, APHIS: 206-478-4881

CITY OF ANACORTES/ACFL CONTACTS

City of Anacortes ACFL 360-293-1918
Asa Deane at Friends of the Forest ACFL 360-399-6184

LEGAL TEAM

Caleb Stewart at Oseran and Hahn 425-455-3900

NEIGHBOR CALL LIST

TO BE ANNOUNCED

LIST OF DANGEROUS ANIMALS

- Cougars
- Wolves

LIST OF NON-DANGEROUS ANIMALS

- Anteater
- Porcupine
- Kinkajou
- Sloth
- Opossum
- Raccoon
- Fox
- Birds
- Skunk
- Armadillo
- Coatimundi
- Bobcats
- Constricting Reptiles
- Lizards
- Tortoises
- Alligator
- Marmosets

PREVENTION SAFETY PROTOCOLS

STAFF PREVENTIONS MEASURES

It is staff's responsibility to assure the safety of the public, neighbors and the animals by taking proper safety measures. All doors must be closed and locked upon entry and exit. Enclosures doors and locks must be checked to ensure they are functioning properly at all times. All staff must be observant to possible hazards to enclosures such as, overhanging limbs, dead trees, possible perimeter hazards etc. All hazards must be reported to management immediately. Employees must also keep a close eye on primary enclosures to assure they are in good repair. All perimeter fences must be checked daily. All electric fencing needs to be at 8.2-9.8 volt and popping, if not the employee must find ground out immediately. Failure to follow these safety protocols, leading to a loss of animal, will lead to immediate disciplinary actions against employees.

Special Use Permit Application

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
voice 360-416-1320 · inspections 360-416-1330 · www.skagitcounty.net/planning

Permit #:
PL22-0133
Received 3.19.22
Received by:

Use this form for both administrative and hearing examiner special use permit applications. Before you apply for a special use permit, it is generally required that you participate in a pre-application meeting. See the Pre-Dev/Pre-App Meeting Request form for details.

Project Information

Site Address	4709 Welch Lane	City	Anacortes	Zip	98221
Parcel No(s)	P128398				
Zoning	Rural Reserve	UGA	☐ No ☐ Yes, which:		
Project Description	Animal Perserve wildlife education, conservation, sanctuary center				

Request

What type of special use permit are you requesting? Check as many as apply.

- ☐ Bed and breakfast
- ☐ Home-based business 2
- ☐ Home-based business 3
- ☐ Kennel
- ☐ Marijuana production or processing facility
- ☐ Marijuana retail facility
- ☐ Mineral extraction and processing
- ☐ Outdoor outfitters enterprises
- ☐ Personal wireless facility
- ☐ Rural Business Expansion Beyond 1,500 sq ft
- ☐ Rural Business Change of Use
- ☐ Temporary events
- ☐ Temporary manufactured home–accessory to farm dwelling unit
- ☐ Temporary manufactured home–elderly or disabled family member
- ☑ Other (specify): Animal Perserve

Required Attachments

Include all of the following with your application:

- ☐ Contact Information & Signature Form
- ☐ Site plan consistent with site plan requirements checklist
- ☐ Lot certification[1] recorded under Auditor's File Number _____ (required unless the proposed development itself does not require lot certification)
- ☐ Critical areas approval letter
- ☐ Water review approval letter
- ☐ Pre-application meeting letter or pre-application meeting waiver
- ☐ Landscape plan (if required by pre-app meeting letter)
- ☐ Parking plan (if required by pre-app meeting letter)
- ☐ Any other documents requested at your pre-application meeting

[1] SCC 14.06.045(2).

❶ Requirements for ALL Special Use Permits

All types of special use permits require the following. Attach using a **separate sheet of paper.**

☐ A narrative that includes numbered responses to the following:

1. Describe your proposal/business.
2. Describe what days and hours will your operation be open.
3. How many employees will you have?
4. What will your employees' working hours be?
5. Will employees work on site?
6. How many employees will work off-site?
7. Describe the location and size of any signs you propose to advertise your operation.
8. How do you propose to screen your operation from public view? E.g., plants, shrubs, fences.
9. Describe your proposed parking area.
10. Describe your schedule, including any phasing, for development of your operation.
11. Describe the expected traffic impact of your operation on public roads.
12. Describe any internal road system your operation will have.
13. Describe how your operation will be accessed.
14. Describe any heat from machinery or equipment that your operation will generate.
15. Describe any noise your operation will generate.
16. Describe any odors your operation will generate.
17. Describe any steam, smoke, or dust your operation will generate.
18. Describe any vibrations your operation will generate.
19. Describe any heavy equipment or machinery your operation will use.
20. Describe any chemicals, waste oil, solvents, fuel, etc, your operation will store.
21. Describe your plan for disposal of any chemicals.
22. Describe your plans to prevent trespassing by employees, customers, or visitors to adjoining property.
23. If your operation will use a building please describe the size, height and construction type. This building must be shown on the site plan.
24. Describe the sewage disposal plan for employees and the public.
25. Describe the water supply for employees and the public.
26. Address any fire flow issues.

☐ A narrative that includes numbered responses to the following General Special Use Permit Evaluation Criteria.[2] The burden of proof is on the applicant to provide evidence that the use complies with the criteria.

27. Demonstrate that the proposed use is compatible with the neighboring properties.
28. Demonstrate that the proposed use complies with Skagit County Code. Please cite code section.
29. Demonstrate that the proposed use will not create undue noise, odor, heat, vibration, and air or water pollution on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.
30. Demonstrate that the proposed use will not generate intrusions on privacy of surrounding uses.
31. Demonstrate that proposed use will not cause potential adverse effects on the general public health, safety, and welfare.
32. For special uses in the Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL zones, demonstrate that the impacts on long-term natural resource management and production will be minimized.
33. Demonstrate that the proposed use is not in conflict with the health and safety of the community.
34. Demonstrate that the proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.
35. Demonstrate the proposed use will maintain the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.

[2] SCC 14.16.900(1)(b)(v).

❷ Additional Requirements for Specified Special Use Permits

Find the specific special use permit(s) you are applying for below, and attach the additional information listed.

A. Bed and Breakfast

Attach all of the following:

☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:[3]

A1. The bed and breakfast must be owner-occupied and managed.
A2. Parking is on-site and a minimum of 10 feet away from neighboring residences.
A3. All lighting is directed away from neighboring residences.
A4. The impacts will be no more obtrusive than a residence.
A5. Five bedrooms or less are available for guest use.

B. Home-Based Business 2[4]

The intent of this Special Use is to allow home based businesses to operate with the limitations listed below. When the business grows beyond the criteria established and/or the conditions included in any approval, the business should relocate to a zone that would permit the activity. Attach all of the following:

☐ SEPA Checklist (unless categorically exempt).

☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:

B1. Is carried out by a member or members of a family residing in the dwelling;
B2. Is clearly incidental and secondary to the use of the property for dwelling purposes (business activity may be conducted in buildings other than the dwelling; provided, that the size of such use does not exceed 50 percent of the living area of the dwelling unit);
B3. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of one sign not to exceed four square feet, provided such sign shall not be illuminated;
B4. Does not require the installation of heavy equipment, large power tools or power sources not common to a residential dwelling;
B5. Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;
B6. Does not create a level of parking demand beyond that which is normal to a residential area;
B7. May have clients come to the site.

C. Home-Based Business 3[5]

The intent of this Special Use is to allow home based businesses to operate with the limitations listed below. When the business grows beyond the criteria established and/or the conditions included in any approval, the business should relocate to a zone that would permit the activity. Attach all of the following:

☐ SEPA Checklist (unless categorically exempt).

☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:

C1. Is carried out by a member or members of a family residing in the dwelling and up to three additional employees;
C2. Is clearly incidental and secondary to the use of the property for dwelling purposes;
C3. The business activity may be conducted in buildings other than the dwelling; provided, that the size of such building shall be consistent with the residential area and such building is properly permitted for the use;
C4. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of one sign not to exceed four square feet, provided such sign shall not be illuminated;
C5. Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;
C6. Does not create a level of parking demand beyond that which is normal to a residential area;
C7. May have clients come to the site.

[3] SCC 14.16.900(2)(c).
[4] SCC 14.16.730(3).
[5] SCC 14.16.730(4).

D. Kennels[6]

Identify which type of kennel you are applying for:

- ☐ **Day-Use Kennel**: any premises at which 1 or more dogs, cats, or both are kept during daytime hours for a commercial purpose including but not limited to grooming, training, and/or boarding. Note these limitations:
  - A day-use kennel shall not exceed 25 dogs or cats on site at any one time.
  - No commercial breeding or selling of dogs or cats shall occur at a day-use kennel.
  - No overnight boarding of animals shall occur at a day-use kennel.
- ☐ **Limited Kennel**: any premises at which 1 or more dogs, cats, or both are kept overnight for a commercial purpose including but not limited to breeding or selling. A single, incidental litter in a 12-month period is not a commercial purpose. Note these limitations:
  - A limited kennel shall not exceed 25 dogs or cats over 16 weeks of age on site at any one time.
  - At no time shall there be more than 50 dogs or cats of any age on site.
  - No dogs or cats shall be commercially boarded at a limited kennel.
  - A limited kennel may have animals kept during daytime and overnight hours and may also include additional related services including but not limited to selling, training, grooming, and daily care.
- ☐ **Overnight Boarding Kennel**: any premises at which 1 or more dogs, cats, or both are kept overnight for the commercial purpose of boarding. Note these limitations:
  - An overnight boarding kennel shall not exceed 150 dogs or cats on site at any one time.
  - No commercial breeding or selling of dogs or cats shall occur at an overnight boarding kennel. A single, incidental litter in a 12-month period is not commercial breeding or selling.
  - An overnight boarding kennel may have animals kept during daytime and overnight hours and may also include additional related services including but not limited to training, grooming, and daily care.

Attach all of the following:

- ☐ SEPA checklist.
- ☐ An evacuation plan for the dogs or cats in the event of an emergency.
- ☐ An exercise plan for the dogs or cats.
- ☐ A narrative that includes numbered explanations for how your proposal will comply with the following criteria:

D1. Areas used as part of a dog kennel operation shall be composed of at least one-half of 1 acre for every 5 dogs (i.e. 2.5 acres of kennel area would be required for 25 dogs).

D2. Any indoor or outdoor area to be occupied by kennel animals shall be located at least 50 feet from any property line. A solid-wood fence or continuous, non-deciduous vegetative barrier shall be required, each at least 6 feet in height, between any outdoor kennel use area and the subject property lines. Fences and continuous barriers will not be required in cases where kennel use areas are at least 500 feet from all subject property lines.

D3. Parking for all kennel customers and employees shall be fully contained on the subject property and shall not include the use of any road right-of-way.

D4. All lighting shall be directed away from neighboring residences or businesses.

D5. An approved waste disposal plan that complies with Chapter 12.16 SCC shall be required.

D6. Kennel animals must be contained on the subject property. Outdoor kennel areas shall be constructed with adequate materials and height so as to prevent animal escapement.

D7. Any outdoor kennel use areas shall be configured such that impacts to surrounding properties are minimized. All animals must be contained in enclosed buildings between the hours of 9:00 p.m. and 8:00 a.m. daily.

[6] SCC 14.16.900(2)(i).

E. Marijuana Production or Processing[7]

Attach all of the following:

- ☐ SEPA checklist.
- ☐ A copy of your current license from the State Liquor and Cannabis Board.
- ☐ A narrative that includes numbered explanations for how your proposal will:

  E1. Address impacts on surrounding properties, including but not limited to the appropriate distance of the facility from residences, schools, daycare facilities, public parks, other public facilities, and other marijuana facilities;
  E2. Include appropriate controls on odor;
  E3. Include appropriate screening or other requirements to avoid lighting impacts and the visual impacts of security fencing;
  E4. Include requirements for appropriate disposal of the waste and byproducts of production and processing;
  E5. Include protections against security cameras infringing on neighbors' privacy;
  E6. Include any additional controls on hazardous processing methods with potential to injure neighboring properties;
  E7. Mitigate other impacts.

F. Marijuana Retail Facility[8]

Attach all of the following:

- ☐ SEPA checklist.
- ☐ A copy of your current license from the State Liquor and Cannabis Board.
- ☐ A narrative that includes numbered explanations for how your proposal will:

  F1. If the facility will use security cameras, ensure those cameras are aimed so as to view only the facility property, not public rights-of-way or neighboring properties.
  F2. Avoid customer use of marijuana on site or in adjacent areas (e.g., security cameras, fences, or site design).
  F3. Mitigate other impacts.

G. Mineral Extraction or Processing

Please see SCC 14.16.440(10) for the operating standards and requirements for all mining special uses. Attach all of the following:[9]

- ☐ SEPA checklist.
- ☐ A narrative that includes numbered responses to all of the following:

  G1. The estimated quantities of all materials to be extracted.
  G2. Identification of any possible Scientific Resource Sites that may be located on the proposed site. Scientific Resource Sites include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance. These areas must be delineated on the vicinity map below and the proposal for preservation of the identified area(s) must be addressed.
  G3. An on-site study to determine appropriate mitigation requirements for noise, vibration and dust levels. The study should specify what levels the Applicant deems satisfactory to mitigate off-site disturbances.
  G4. An operations proposal detailing estimated frequency of blasting, estimated truck loads per day, what provisions for screening and fencing are proposed, and estimated hours of operation.
  G5. Identification and description of those critical areas designated and regulated by SCC 14.24, together with any critical areas studies that may be required by SCC 14.24.

- ☐ All of the following maps on 11x17" paper:

  - ☐ A vicinity map with a north arrow indicating the area on which the extraction operation is proposed including a legal description, showing right-of-way width of access roads to the proposed site from the nearest community and any roads proposed on the site, and showing zoning of adjacent properties and land uses within 5 miles of the area proposed for mineral extraction and related activities;
  - ☐ A pre-mining map drawn to scale with an appropriate scale bar showing the permit area and buffers, elevations and contours, natural slopes and other drainage patterns, boundaries of municipalities, boundaries of property ownership,

[7] SCC 14.16.855.
[8] SCC 14.16.855.
[9] Required by SCC 14.16.440(8).

names and addresses of adjacent property owners, locations of nearby mines, locations of all railroads, bridges, utility lines or other rights of way, locations and names of any streams and natural or artificial drain ways on or adjacent to the site, locations of parks and other significant features;

- ☐ A reclamation sequence map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map showing the permit area border and buffers, excavation areas, location of all proposed access roads to be built, location of types of setbacks and beams, numbered segments and the direction of the sequence of mining, soil storage areas and sequence of stripping, storing and replacement of mined segments, overburden storage areas and sequence of stripping, storing and replacement of overburden on mined segments, waste rock piles and how they will be reclaimed and stabilized, operation plant and processing areas, measures to be taken to adjacent surface area to prevent slumping or landslides on adjacent lands, location and description of storm-water and erosion control systems including drainage facilities and settling ponds and estimated runoff served by individual facilities; and
- ☐ A final reclamation map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map permit area and buffers, final elevations and contours, adjacent natural ground slopes, reclaimed drainage patterns, general topography, locations and names of any roads, utility lines, rights-of-way, streams, bridges, lakes, springs, wetlands, location and depth of topsoil to be replaced after seedbed preparation, permanent drainage and water control systems, area to be re-vegetated and proposed species, 2 cross-sections (at right angles) with horizontal and vertical scales the same that show the original and final topography and the water table.

☐ A report by a qualified geologist, hydrologist, or licensed engineer characterizing the area's ground water including, but not limited to, the following information:

- A description of the geology and hydrogeology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydrogeologic cross-sections, porosity, and horizontal and vertical permeability estimates;
- Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers) if applicable; and
- A map containing the limits of the mine, buffer zones, location of all ground water wells within one-mile distance down gradient from the property boundaries, location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas.

☐ Attach a transportation analysis from Skagit County Public Works Department or Washington State Department of Transportation demonstrating that roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Comprehensive Plan or its Transportation Technical Appendix and applicable state and local regulations.

H. Outdoor Outfitters[10]

Attach all of the following:

☐ SEPA checklist.

☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:

H1. Temporary lodging may be allowed at temporary primitive campgrounds as regulated in each district, existing lodges/cabins, or approved bed and breakfasts.
H2. No more than five self-contained RVs shall be allowed with such enterprises at any one time.
H3. Temporary lodging in a single location shall not exceed 14 days for any one individual, group, or party.
H4. At least seven days must pass before registered guests may return for lodging.

☐ A site plan that includes location, size, access of proposed primitive campsites, existing lodges/cabins, and RV sites.

I. Personal Wireless Facilities

See SCC 14.16.720 for a description of all standard personal wireless facilities requirements. Attach all of the following:

☐ SEPA checklist.

☐ Photo simulations. Photo simulations of the existing site and proposed facility from all adjacent properties and public rights-of-way at a radius of 1 mile from the proposed personal wireless service facility, including additional height of 20 feet for possible co-location. Photo simulations shall be made from a range of elevations of surrounding residential areas. The photo simulation shall be coded to a scaled vicinity map.

[10] SCC 14.16.900(2)(d).

- ☐ Site plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway right of ways, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures. A vicinity map shall be included.
- ☐ Landscaping plan. A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.
- ☐ Service area map. A current map showing the location of the proposed tower, the locations and service areas of other personal wireless service facilities operated by the Applicant and those proposed by the Applicant that are close enough to impact service within the County.
- ☐ Co-location statements. A statement by the Applicant as to whether construction of the tower will accommodate co-location of additional antenna(s) for future users. In addition, a signed statement shall be included indicating that: (i) the Applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the Applicant's structure or within the same site location; and (ii) the Applicant and/or landowner agree to remove the facility within 60 days after abandonment.
- ☐ Environmental documentation. Copies of any environmental documents if required by any Federal or State agency.
- ☐ Compliance letter. A letter signed by the Applicant stating the tower and antenna will comply with all applicable Federal, State and local laws and regulations, EIA standards and SCC 14.16.720.
- ☐ Co-location attempt. A narrative of the attempt to co-locate shall be included which lists names and dates of parties contacted for potential co-locations. A statement by the Applicant has made a diligent attempt to mount the facilities on an existing tower or structure that is within a 2,500-foot radius of the chosen site.
- ☐ Interference certification. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions of other communications facilities.
- ☐ Licenses. The personal wireless service provider must demonstrate that the FCC licenses it, if required to be licensed under FCC regulations for the provision of service within the County.
- ☐ Lease agreements. The Applicant, if not the personal wireless services provider, shall submit proof of lease agreements with an FCC-licensed personal wireless services provider, if such provider is required to be licensed by FCC regulations.
- ☐ E911 compliance. All providers shall attest to and demonstrate compliance with FCC and Washington State laws relating to Emergency 911 regulations.
- ☐ Financial security. The application for any tower shall be accompanied by a letter of credit, performance bond, or other security in an amount to be determined by the County, which may be drawn upon by the County as necessary to cover the costs of removal of the facility.
- ☐ Historic documentation. If applicable, a letter of permission from the designated County Official if the site is on a National Landmark or located in a Historic District.
- ☐ County recommendation. If the Applicant proposes to use County-owned property, a letter of recommendation from the Director of the Skagit County Parks and Recreation Department, Public Works Department or other applicable official.

J. Rural Business Expansion Beyond 1,500 Square Feet

A special use permit is available for a use in the Rural Business zone established prior to July 1, 1990, to expand more than 1,500 sq ft if certain other conditions are met.[11] Attach all of the following:

- ☐ SEPA checklist.
- ☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:

J1. Except for agricultural support services, the expansion may not exceed 50 percent of the gross floor area dedicated to the Rural Business use as of July 1, 1990, up to a maximum of 5,000 square feet.
J2. The expansion must occur on the same lot upon which the existing use is located.
J3. The expansion must be visually compatible with the surrounding neighborhood and rural area.
J4. Detrimental impacts to adjacent properties or to existing easement rights on the property may not be increased or intensified.
J5. The expansion may not result in a formerly small operation dominating the area.
J6. The expansion may not constitute new urban growth in the rural area, except that uses may utilize urban services that are historically available to the site.
J7. Public services and facilities are limited to those necessary to serve the isolated nonresidential use and are provided in a manner that does not permit low density sprawl.

K. Rural Business Change of Use

A special use permit is available for a use in the Rural Business zone to change to another use that is not substantially similar to the pre-existing use in terms of the type of commercial activity performed.[12] Attach all of the following:

- ☐ SEPA checklist.
- ☐ A narrative that includes numbered explanations for how your proposal will avoid a substantially increased impact on any one of the following criteria, or result in smaller impacts across a number of criteria that cumulatively result in a substantially increased overall impact. Information in parentheses defines "substantial impact" for that particular measure.

K1. Traffic generation (more than 10% increase in vehicle trips per day). How will this remain under 10%?
K2. Parking requirements (the need to expand existing parking facilities or the likelihood that parking would overflow to adjacent roads or properties). Will you be increasing your parking spaces?
K3. Hours of operation (10% increase in hours of operation, or any measurable increase in evening and weekend hours). What are the current hours? Will they increase?
K4. Visitors/customers visiting the site (10% increase in visitors to the site). How many customers visit the site now? How many after the expansion?
K5. Is there a need for expanded septic, sewer, water, power or other services?
K6. Will there be a need for increased infrastructure, such as road widening or access improvements?
K7. Noise, light, glare and related impacts from business operations on adjacent properties. What is the impact now? What will it be after?
K8. Will your proposal impact productive use of surrounding natural resource lands? How?
K9. Will your proposal have detrimental impacts to surrounding critical areas? How?
K10. Describe how your proposed change to the visual character of the structure or property would not significantly and negatively affect the visual character of the surrounding rural area.
K11. Your proposal must be consistent with any applicable community development plan, if one has been adopted. Is there an applicable plan, and how is your proposal consistent with it?

[11] SCC 14.16.150(4(d).
[12] SCC 14.16.150(4)(e).

L. Temporary Events[13]

"Temporary events" is "commercial use of a property for any musical, cultural, or social event held either indoors or out of doors."[14] Attach all of the following:

- ☐ SEPA Checklist.
- ☐ A narrative that includes numbered explanations of how your use will comply with the following requirements:

  L1. Events may occur on no more than 24 calendar days per year.
  L2. Parking for all events shall be fully contained on the subject property and shall not include the use of any road right-of-way.
  L3. Does not create a detrimental level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic or other environmental impacts on the surrounding area.
  L4. All lighting is directed away from neighboring residences or businesses.

M. Temporary Manufactured Home—Accessory to a Farm Dwelling Unit[15]

A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of a farm in RCW 84.34.020 may be used to accommodate agricultural workers and their families employed on the premises. Attach all of the following:

- ☐ A narrative that includes numbered answers to the following questions:

  M1. Demonstrate that your property meets the definition of "farmland" in RCW 84.34.020 (Open Space Taxation).
  M2. Demonstrate that your operation is in compliance with the temporary worker standards in Washington State Law, including RCW 19.27, RCW 70.114a, RCW 49.17, RCW 43.22 and RCW 43.70.
  M3. Demonstrate that the nature of the employee's work requires said employee to be immediately available to the job site is required by the farm owner/operator.

Please note: a building permit is required for the manufactured home. A building permit requires review of septic and road access. If you propose to use an existing septic system, you should contact the Public Health Department to determine whether it has sufficient capacity before you apply for the special use permit. Any dwelling in Ag-NRL must comply with the Ag-NRL siting criteria.

Any temporary manufactured home special use permit will be conditioned that if the farm employee stops residing in the manufactured home, the home must be removed.[16]

N. Temporary Manufactured Home—Elderly or Disabled Family Member[17]

A temporary manufactured home may be placed on the property to accommodate the housing needs of disabled or elderly family members. Attach all of the following:

- ☐ Documentation that the need for nearby care is required by a doctor and/or physician.

Please note: a building permit is required for the manufactured home. A building permit requires review of septic and road access. If you propose to use an existing septic system, you should contact the Public Health Department to determine whether it has sufficient capacity before you apply for the special use permit. Any dwelling in Ag-NRL must comply with the Ag-NRL siting criteria.

Any temporary manufactured home special use permit will be conditioned that if the disabled or elderly family member stops residing in the manufactured home, the home must be removed.[18]

[13] SCC 14.16.900(2)(h).
[14] SCC 14.04.020.
[15] SCC 14.16.900(2)(b).
[16] SCC 14.04.020, definition of "temporary manufactured home."
[17] SCC 14.16.900(2)(a).
[18] SCC 14.04.020, definition of "temporary manufactured home."

Contact Information & Signature Form

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
voice 360-416-1320 · inspections 360-416-1330 · www.skagitcounty.net/planning

Permit #: PL22-0133

Received 3.19.22

Received by:

Attach this form to an application that requires it. An application will not be accepted without this form.

By signing this form, the undersigned certifies that the statements, answers, and information both on this form and the remainder of this permit application are true and correct to the best of his or her knowledge and belief.

Applicant/Contact

Name: Ashley Carr | Mailing Address: 6128 Parkside Drive
City, State: Anacortes, WA | Zip: 98221 | Phone: 360-770-7479
Email: admin@predatorsoftheheart.com

Property Owner

☐ Same as applicant ☐ Multiple owners (attach additional page)

Name: Predators of the Heart | Mailing Address: 4709 Welch Lane
City, State: Anacortes, WA | Zip: 98221 | Phone: 360-770-7479
Email: admin@predatorsoftheheart.com

Contractor

■ None ☐ Same as applicant ☐ Same as property owner

Name: | Mailing Address:
City, State: | Zip: | Phone:
Email: | License #: | Expires:

Financing[1]

■ None ☐ Lender below is providing construction financing ☐ Firm below has issued payment bond

Name: | Mailing Address:
City, State: | Zip: | Phone:

Signature

■ I am the owner of the subject property and I grant permission to field staff to enter the site to verify the presence or absence of critical areas and perform inspections of work proposed by this application; OR

☐ I have the consent of the owners of the subject property and have attached Agent Authorization Form(s) (SCC 14.06.090); OR

☐ This is a mechanical/plumbing permit or pre-development/pre-app meeting request; ownership certification is not required.

Signature(s):  Date: 1/28/22

Printed Name: Ashley Carr

Title: President

Company: Predators of the Heart

[1] Required by RCW 19.27.095(2)(d) for building permit applications.

- **A narrative that includes numbered responses to the following:**
    1. **Describe your proposal/business.**

Predators of the Heart (POTH), a 501(c)(3) organization, has been a part of the Anacortes and Skagit County community for over twenty-three (23) years. Our chief consideration is safety, and we aim to educate the community about animals as described below as well as to serve local agencies (i.e. local animal control, Department of Fish and Wildlife (DFW) and other federal agencies such as the military and United States Department of Agriculture) to be a rescue and a resource for their needs.

(a) Safety

Safety is our primary concern. Our processes, procedures and protocols have been vetted by local (Anacortes) Animal Control, United States Department of Agriculture and DFW. We are routinely inspected (both scheduled and at random). Our most recent inspection was on **September 23,2021** A common misconception is that our wolves are rescues—they are not. Our wolves are bred, and are taught/trained to be "ambassador" wolves—they help the general population to understand humans and are introduced to them at an early stage of their life. At one point, POTH was receiving so-called "big cats" as rescues, but will be phasing out big cats.

In any event, we have worked closely with DFW, the USDA and local agencies, including Skagit County animal control, to ensure an exceedingly safe environment. In 23 years, we have had only one escape, and that escape was mitigated—the wolves were captured in under 30 minutes. That instance was likely instigated by a leashless dog (a major problem on the trails), and, as a result, the wolf that was responsible for the escape has since been euthanized. Again: POTH takes the safety of the community very seriously and put the wolf down in an abundance of caution.

As outlined below, our wolves and other animals (including, but not limited to, predatory animals) are kept in six-sided enclosures overnight. This means that they cannot dig out or jump out of the enclosure. On the wolf-runs, we have layered fences: at least two "layers" with one of the fences being "hot" or electrified. The outer "runs" also have 6-8 foot "dig outs" which also disallows the wolves from jumping over any fencing. There are additional plans to increase the fencing by adding overhangs onto the existing fencing to further protect the wolves and neighboring properties.

(b) Education

For over 20 years, POTH has been educating all ages: from church functions to school assemblies to private tours, POTH has built a reputation in the community by educating individuals on the animals themselves, the local ecosystem(s), the essential nature of animals in the Pacific Northwest, wildlife preservation, and children. More recently, POTH has assisted the Make-a-Wish Foundation with children who are gravely ill experience wildlife in a safe and secure manner.

POTH has diligently served the community and has been a resource of information, which is why it also is a resource for local law enforcement, the nearby military base, the USDA and DFW, to name only a few. POTH works to explain to its guests and the broader community the importance of these animals and the role they play in the PNW ecosystem, and in particular the ecosystem of Skagit and surrounding counties. As a result, children and adults have a greater understanding and appreciation not only of the animals and the role that they play in the ecosystem, but of their impact (and ours) on the world around us. These lessons lead to greater efforts in wildlife preservation and conservation.

(c) Rescue

As noted above, POTH also serves as a critical resource for local animal control agencies (most recently, Pierce County, Thurston, King and Snohomish) the military, local law enforcement, DFW and USDA. Each of these agencies trusts POTH's ability to safely and securely house these animals, and care for them for the duration of their lives if necessary. While we do limit the number of animals that we take in, POTH strives to continue to build those relationships. We have partnered with the aforementioned agencies and have become a vital resource to the community as a result.

As an example: POTH was recently contacted by the military to assist with a wild animal on the base at Oak Harbor. Our team worked overnight with military agencies to detain the animal safely and securely and house it.

Within the last month, Pierce County animal control received over 10 birds due to a seizure operation. POTH was a resource available to the Pierce County animal control, assisting in containing these birds, but also housing, feeding and caring for the birds while the investigation continues. Without POTH, the seizure could not have taken place and the animals likely would have been euthanized.

Often, after these investigations are complete, the animals have nowhere to go. If not for POTH and its efforts, the animals would almost certainly be euthanized. POTH also advises and assists in the re-homing process, which alleviates the stress that would be added to local government regarding finding suitable homes for these animals. POTH takes great pride in serving local, state and federal agencies in this way and looks forward to continuing to do so.

POTH has also been reached out to by the general public. We were recently contacted by an elderly woman who was suffering with CPOD. She called stating she was no longer capable to provide the proper care for her 30-year-old blue and gold macaw and 2 cockatiels. POTH came to her home and was able to help her by taking the birds into our care, providing them with much needed medical care. We now can take the time needed to ensure the birds are in good health taking the proper steps to find them the suitable forever home.

Animal controls will often refer POTH to citizens who may own animals illegally. Authorities will often give them 2 weeks to rehome the animal to a qualified sanctuary before pressing charges. We recently were surrendered an american alligator and a 14-year-old bobcat from the recommendation of Pierce County Animal Control. The animals would have been euthanized if POTH could not have provided them with the properly permitted forever home.

As a point of emphasis: none of the wolves housed by POTH are rescues. They are all bred for the purpose of wildlife education, and, from a very early age, are exposed to humans to be "ambassador" wolves.

We provide them to sanctuaries and re-introduction programs, a critical part of the PNW conservation and naturalization efforts, preserving and building the PNW ecosystem—their reintroduction builds the PNW ecosystem by allowing other species to thrive. We are all connected, and this sanctuary reminds our guests of that.

- Predators of the Heart (POTH) has been a 501(c)3 non-profit organization since 1998. We have traveled to schools and libraries within our community and outside of Skagit County, educating young and old alike for the last 23 years. POTH has been dedicated to helping all species of exotic animals who, for various reasons, are without a place to live the rest of their lives. We are USDA certified, inspected, and insured and have met

all USDA caging standards and guidelines. We not only have provided proper housing to these exotic animals, but we pride ourselves on wildlife education. Many of the animals saved by POTH are used as ambassadors to further instruction regarding the importance of their species and the need for conservation. Our goal is to reach the hearts of people and leave them with a new appreciation for wildlife and its importance. Our current private tour, "Howling with Ambassadors", has been Federally approved by the USDA. They have joined our tours and have set the guidelines we follow as USDA Class C exhibitors, to safely provide a life-changing educational program to outside people 18 or older. POTH has had the opportunity of sharing our educational experience with many Skagit County residence in the last several years. The Skagit County community who has visited our compound have become supporter of POTH and the work we do, seeing the value we bring to this community.

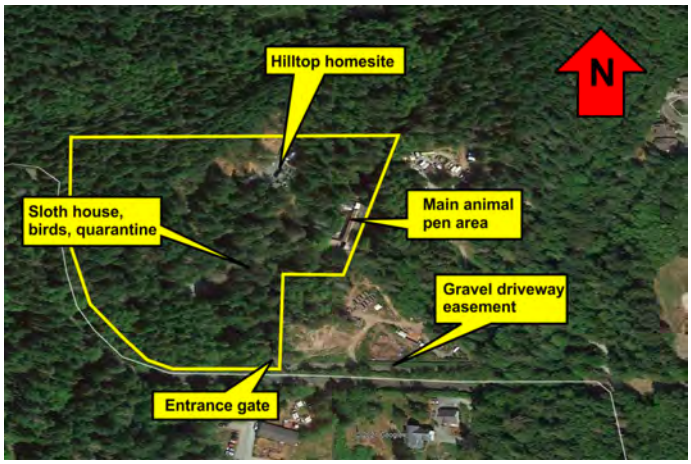
Being the fourth generation of the Anacortes community, POTH's president, Ashley Carr, personally strives to give back to this beautiful community. We now offer virtual tours to our local school districts, homeschooling programs, boys and girls clubs, and boy and girl scouts, to educate our young people on how each animal plays a vital role in the web of life. We also support our local companies such as a T-Shirt by Design, which does all our printing and embroidery for our merchandise, Lake Side Industries, for any rock and gravel needs, STS, for any tree removal or clean-up, are just a few of many local companies that we use to better our business. We also provide a brochure that has the local restaurants and things to do in our Anacortes. We can send up to 120 new people through our small town each week. Utilizing our hotels, local restaurants, other experiences, and sightseeing of our amazing parks. POTH brings great value to our small business and community.

2. **Describe what days and hours will your operation be open.**
   - POTH operates Monday- Saturday through private tours only. We offer two tours a day, 10 am-12 pm and 1 pm-3 pm. We limit the number of people who can come to our onsite tours to small groups of 10 people each tour. POTH is closed for tours on Sunday, but animals are maintained and fed according to their feeding schedule(s).
3. **How many employees will you have?**
   - 5-10 employees. POTH currently has five employees, including its offsite bookkeeper.
4. **What will your employees' working hours be**?
   - 7:30 am-4 pm Monday-Saturday ((depending on the day); POTH is closed for tours on Sunday, but animals are cared for on Sundays. (DISCUSS WE DO NOT FED SUNDAYS IT IS THEIR DAY OF REST TOO)
5. **Will employees work on site?**
   - Yes, with the exception of our bookkeeper, our employees will be working on site of 4709 Welch Lane, Anacortes, WA 98221.
6. **How many employees will work off-site?**
   - 1 employee who will work off-site is our bookkeeper.
7. **Describe the location and size of any signs you propose to advertise your operation.**
   - We currently are not actively advertising. When we do advertise, it will be online advertising through our website, Airbnb, and social media.
8. **How do you propose to screen your operation from public view? E.g., plants, shrubs, fences.**
   - We are currently a very private property. Our property is in a very remote location with minimal traffic. We have extensive fencing that is currently being extended; blackout covering will be added shortly. Additionally, our plans are to add "set-backs" from the fence an additional 6-8 feet with an additional perimeter fence. This would reduce the

likelihood of off-leash dogs or other animals being able to antagonize and/or cause anxiety for any of the POTH animals, including the wolves.

9. **Describe your proposed parking area.**
   - POTH has a small parking space already that will fit 7-10 cars on site. There are no current plans to change the parking spaces.
10. **Describe your schedule, including any phasing, for the development of your operation.**
   - POTH has plans to do extensive fencing, as noted above. POTH intends to create additional set-backs (also known as "perimeter fencing") and add blackout covering to existing fencing, moving wolf enclosures to a centralized area. Currently, the wolves are in six-sided fencing overnight, which means that they cannot escape by digging. Centralizing our wolf-enclosures will reduce their anxiety, create a more tranquil environment for them. POTH currently also has extensive security fencing, including so-called “hot” fences (i.e. electric fences). Other phased construction will include adding glass enclosures for other reptiles to benefit our guests and the public in the educational process.
11. **Describe the expected traffic impact of your operation on public roads.**
   - Generally, we see about 5-10 cars a day, including employees. Private groups that have visited POTH generally come together, and we limit the number of people allowed on site at any one time.
12. **Describe any internal road system your operation will have.**
   - In our compound, we have a turnaround and parking
   - 
13. **Describe how your operation will be accessed.**
   - Security is a critical component of our operation. We have extensive fencing, which has been thoroughly vetted by local, state and federal authorities. This includes dig-outs as well as electric fencing that is always operational. Our gate system is a locked remote open, chain-linked fence. The only time our gate is open is when employees enter or our guests are let in by staff. The general public have no way to enter the property with a vehicle unless the gate is opened by our staff. The gate is only opened at the time of tour to allow entry to allow guests access to the property. To enter the compound you turn off Havekost Rd, onto Welch Lane Rd. At the end of the Welch Lane there is access to our gravel easement road. The easement road is approximately 400 feet long and leads you to our locked gate. There is a ditch for drainage on either side of the easement road. There are no other access roads that lead into our compound.
14. **Describe any heat from machinery or equipment that your operation will generate.**
   - N/A
15. **Describe any noise your operation will generate.**
   - POTH has been on this property since 2001 and has never had a complaint about the noise, which would be the occasional wolf howling. Even with groups on site, the property is exceedingly quiet.

16. **Describe any odors your operation will generate.**
    - None.
17. **Describe any steam, smoke, or dust your operation will generate.**
    - None.
18. **Describe any vibrations your operation will generate.**
    - None.
19. **Describe any heavy equipment or machinery your operation will use.**
    - None.
20. **Describe any chemicals, waste oil, solvents, fuel, etc, your operation will store.**
    - None.
21. **Describe your plan for disposal of any chemicals.**
    - No chemicals are used, as this is an animal sanctuary. As a result, no chemicals are produced, used or generated and, further, no disposal is necessary. Animal remains are disposed of via humane methods; animal carcasses are generally cremated at Evergreen Pet Cremation in Oak Harbor, WA
22. **Describe your plans to prevent trespassing by employees, customers, or visitors to adjoining property.**
    - There is extensive fencing that covers the areas of operations. Not only has POTH posted conspicuous signage at all areas of access on the property, but the property is also fully fenced, including multiple layers of fencing, hot-fencing (interior) and dig-outs to prevent animal escapes. The fully fenced areas are to ensure the safety of animals and the public. At night, the wolves are secured in six-sided enclosures, meaning they cannot dig out of their enclosures. All guests on tours remain with an employee from the time of check-in to check-out to ensure no trespassing onto the adjoining properties. Property lines are clearly marked by fencing and or markers to ensure there is no confusion by employees or neighbors. There are only 2 adjoining properties, Welch easement, and Johnson's estate. The back half of the property is adjoining to parklands and no trespassing signs have been posted clearly for outside hikers. There are additional plans to add additional fencing between the trails and the property to prevent hikers or other individuals from trespassing onto the POTH property.
23. **If your operation will use a building please describe the size, height and construction type. This building must be**
    - 12x12 Gift Shop which was permitted by Skagit county. The retail building is the only permanently installed improvement that is recognized by the Skagit County assessor. It has 220 square feet and is secured to a post and beam foundation. It was constructed in 2017 under a building permit and is attached to a semi-truck trailer and a steel cargo shipping container which are both parked side-by-side.
    - shown on the site plan.
    - 

- 

24. **Describe the sewage disposal plan for employees and the public.**
    - 2 outhouses pumped biweekly by diamond rentals. In 2019, Septic # 60998, a 2 compartment, with 1750 tank, gravity flow, was installed at hilltop homesite area. (See map above).
25. **Describe the water supply for employees and the public.**
    - We have one mainline coming in. We have one handwashing station for visitors and employees. Because we limit the number of guests at any one time, the one handwashing station is sufficient for our guests and is accessible by both employees at guests at any given time. Bottled water is provided to guests.
26. **Address any fire flow issues.**
    - There are no fire flow issues.

- ♦ A narrative that includes numbered responses to the following General Special Use Permit Evaluation Criteria.[2] The burden of proof is on the applicant to provide evidence that the use complies with the criteria.
    1. **Demonstrate that the proposed use is compatible with the neighboring properties.**
        - POTH has been in operation on this parcel since 2001. We are USDA certified and inspected. We have met all Federal guidelines that are required to house exotic animals. Our facility was inspected in January 2022 and passed all requirements needed to operate. POTH has been approved by USDA to do our wolf encounters. USDA officials have joined in on tours and approved our current program deeming it safe and have met all USDA guidelines of wildlife exhibiting. POTH is a class C exhibitor and holds the highest USDA license available.
        - Pictures above show that neighboring properties are a great distance from each other. There is not only fencing dividing our properties, but the Welch easement is separating us from neighbors.
        - To reiterate: POTH has been on the property for the last 23 years with only one incident of wolf escape. That issue has been rectified and resolved; the wolf itself was euthanized of the escape, which, again, was likely caused by provocation of an off-leash animal roaming the neighborhood. We have since moved all of the wolves into six-sided enclosures so that escapes are not possible in the evening and morning hours when staff are not on-site. Extensive camera systems have been implemented, and fencing has been bolstered.
    2. **Demonstrate that the proposed use complies with Skagit County Code. Please cite code section.**

POTH falls under the exemptions of Washington State RCW 16.30.020 (c). POTH is a duly incorporated nonprofit animal protection organization (such as humane societies and shelters), and houses animals at the written request of the animal control authority. POTH currently houses dozens of animals at the request of municipal and county

animal control(s), the United States military and the USDA. Under RCW 16.20.020, POTH displays animals at state fair(s) approved by the Washington Department of Agriculture pursuant to RCW 15.76 and/or RCW 36.37. This exemption affords POTH opportunities to house and maintain exotic animals. Skagit County's animal law is based on the state dangerous wild animal law, which also prohibits ownership of potentially dangerous wild animals. Animals possessed in violation of these laws must be taken to an appropriate facility; RCW 77.15.250 prohibits the release of deleterious exotic wildlife into the wild.

3. **Demonstrate that the proposed use will not create undue noise, odor, heat, vibration, and air or water pollution on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.**
    - POTH disposes of all animal waste biweekly through trash service. All waste, meat products, and trash are bagged and disposed of properly in accordance with local, state and federal law and guidelines. However, POTH has had issue(s) with local neighbors disposing of chicken and pig waste near its property line frequently**.**
    - POTH has been located on the property and doing business as a USDA certified wildlife sanctuary, 501(c)3 non-profit, since 2001.Since that time, there have been no noise, odor, heat, vibration, air or water pollution complaints. POTH has sought to partner with the community to ensure the safety of the community and well-being of its inhabitants, mitigating traffic on its own and ensuring that there are and will not be any undue noise, odor(s), heat, vibration, air or water pollution in accordance with SCC 14.16.840. As a wildlife sanctuary, POTH endeavors to keep the land as natural as possible for the animals and the community. .
4. **Demonstrate that the proposed use will not generate intrusions on privacy of surrounding uses.**
    - POTH sends all guests very clear and specific guidelines/directions when they book a private tour on how to get to our property. We have installed 3 small signs to help give directions to our property and prevent guests from mistakenly going to surrounding properties. When guests enter our property gates are closed until the end of the tour. Guests remain on our property from start to finish. Message sent to guests; Good morning, please help us respect our neighbors by following directions to our property! As you come down Welch Lane you will see our Airbnb sign on the back of stop sign telling you to continue straight. As you continue straight you will see a nice, paved road to a beautiful gate on left, THAT IS NOT OURS! (PLEASE DO NOT RING THE BELL ON THIS GATE!!!) Continue straight onto a gravel road where you will see another Airbnb sign is posted. As you pull onto gravel road you will take your immediate left and follow that road all the way to the end. (Sign will have Arrow pointing you in the right direction) By following these directions you will help us help our neighbors by respecting their private properties!
5. **Demonstrate that proposed use will not cause potential adverse effects on the general public health, safety, and welfare.**
    - POTH currently has multi-layered fencing installed to keep the general public out of our facilities. This includes: 8-foot fencing with "dig-outs" as well as additional six-foot fencing to provide a double layer of fencing so that wolves cannot escape. All of our predatory animals, including wolves, are kept in six-sided enclosures overnight so that they cannot escape—this means that there are fences above and below the animals so they cannot dig out or jump out of the enclosure. Our main point of entry has an automatic locking gate with code entry only. We have a 32-camera security system installed to help keep watch on all animals and points of entry. All animals are under a double and triple locking system when staff is completed with their day. POTH would

like to get the property fenced in its entirety and relocate the wolves to a central area within the property. We take public safety very seriously and have met all USDA guidelines along with any request made by Skagit County Animal Control.

6. **For special uses in the Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL zones, demonstrate that the impacts on long-term natural resource management and production will be minimized.**
    - POTH has always and will always strive to keep the land as natural as possible, which will allow for the most give the animals their most tranquil and ecologically similar environment. Keeping the land as native as possible and preserving it's natural state will thoroughly benefit the animals and, as stated, will allow our guests to be most closely immersed in what the natural habitat would be like for these animals. We intend to keep as many of the beautiful, native trees to act as natural buffers on our property, with plans to "top" any dead or dying trees that might cause potential danger to animal enclosures, perimeter fencing, neighboring properties and guests. Our trees are regularly inspected by an arborist to ensure maximum safety. For every tree that is removed or "topped", POTH plants a new tree to ensure the continual growth and renewal of the land's natural state. As soon as is feasible, POTH intends to migrate its energy consumption to solar power in order to reduce its carbon footprint as much as possible.
7. **Demonstrate that the proposed use is not in conflict with the health and safety of the community.**
    - For 23 years POTH has been doing school assemblies, county/state fairs, providing a safe place for animals to go for animal control for several counties. POTH has been USDA certified, inspected, and insured for over 20 years. We have USDA-approved facilities and have met all requirements on a federal level and state level. POTH is constantly making improvements to the facilities to better the animals' lives and ensure the safety of our community. We have also met all requirements set out by Skagit County Animal Control. POTH is regularly inspected by federal authorities, most recently in September, as well as state and local authorities.
8. **Demonstrate that the proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.**
    - As explained above, POTH has been and will continue to be a vital resource for local law enforcement, military, animal control(s), DFW, and other government entities. These entities confiscate animals, such as cougars, alligators, and other exotic animals and, without organizations like POTH, would have to simply kill these animals. Having POTH as a resource allows these animals to remain alive, and further, providing an educational service to the community. Our facility only brings value to the surrounding areas and community. We bring in tourists from all over the United States and the world before COVID. We recommend our local restaurants, hotels and parks to up to 20 people a day, 6 days a week. We also provide a resource of education to our local schools, boys and girls clubs, girl scouts, and boy scouts.
9. **Demonstrate the proposed use will maintain the character, landscape, and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts. Nothing has changed and we have tried to keep the rural settings for our business**
    - Again, POTH's goal is to keep the land as natural as possible, keeping the beautiful buffer of trees, plants and other vegetation that surround it. In a world that is driven by development, POTH's property is being used to preserve the natural habitat of the land, and will continue to do so. This is in stark contrast with a developer or other builder that might intend to simply tear down the trees, vegetation and shrubbery. We do plan to top any dead trees that may cause potential danger to enclosures, perimeter fencing, or

neighbor's properties, but, as noted above, re-plant any tree that is removed due to its death or topping. Our goal is to ensure the land stays beautiful and forested as intended. There is no other business in close proximity to our non-profit 501(c)3. We will be keeping the Rural setting for our business as much as possible and will continue to do so as long as our operations can continue.

Additional Questions requested

A. **Please describe/outline in detail what regulations the operation is required to comply with and how the operation is, or will be, run in accordance with those regulations.**

POTH has been in operation on this parcel since 2001. We are USDA certified and inspected regularly. We have met all Federal guidelines that are required to house exotic animals. Our facility was inspected in September 2021 and passed all requirements needed to operate. POTH has been approved by USDA to house and exhibit wolves. USDA officials have joined in on tours and approved our current program deeming it safe and have met all USDA guidelines of wildlife exhibiting. POTH is a class C exhibitor and holds the highest USDA license available. POTH also operates according to the exemptions of Washington State RCW 16.30.020 (c), which allows for an incorporated nonprofit to house animals at the written request of animal control (or an authority acting as animal control, such as a sheriff or local law enforcement agency). **(POTH houses several animals at written request and turned over by Animal control directly)** POTH also falls under RCW 16.30.020 (l) A person displaying animals at a fair approved by the Washington department of agriculture pursuant to chapter **15.76** or **36.37** RCW; **(POTH completes at least one State fair yearly to comply with current RCW Codes of exemption).**

B. **What safety protocols do you have in place and how do they comply with the USDA regulations.**
POTH meets all the USDA safety protocols and is required on a federal level to comply with the regulations set by the USDA. POTH has developed extensive safety protocols and procedures regarding who can handle the animals, feeding and maintenance schedules, behavioral procedures regarding predatory animals (i.e. wolves, cougars and venomous snakes), escape procedures, severe weather procedures regarding animal care and husbandry, veterinary care procedures and protocols and apparel and dress protocols. See attached Exhibit A, "Safety Protocols & Procedures". Note: the attachment is not an exhaustive list of our protocols and procedures but are available upon request for Skagit County review.

C. **Please provide a list of the types and number of animals currently on site and what types and amounts of animals may be proposed on site for the future.**

Current animals at POTH:
Mammals: 3 cougars, 2 bobcats, 24 wolfdogs, 3 sloths, 1 armadillo, 2 opossums, 1 coatimundi, 2 marmosets, 1 fox, 1 giant anteater, 1 north American porcupine, 1 stripe skunk, 1 hooded skunk, 3 sloths, 2 kinkajous, 4 raccoons
Birds: 1 Eurasian eagle owl, 1 vulture, 2 ducks, 1 lady Amherst pheasant, 2 golden pheasants, 3 blue and gold macaw, 2 military macaw, 1 Catalina macaw, 6 sulfur-crested cockatoos, 1 citron cockatoo, 1 lord Darby, 6 plum head parakeets, 1 blue fronted amazon, 1 double yellow amazon, 20 parakeets, 2 cockatiels, 1 emu
Reptiles: 5 alligators, blue tongue skink, Savanah monitor, 2 iguanas, 2 reticulated pythons, 4 ball pythons, 1 rattle snake, 1 carpet python, 1 rainbow boa, 1 albino python, 1 blood python, 1 caiman lizard, 1 beaded lizard, 2 Burmese pythons, 4 sulcata tortoises, 2 red footed tortoises

Prediction to be onsite in future: We cannot predict what will be onsite in future. We can say it will be in the category of smaller mammals, small/mid-size cats, birds and reptiles. We do not ever know the

requests that will be made by Animal Control, Fish and Wildlife and outside governmental agencies. We do not take in outside adult wolves or big cats.

D. **Describe in detail how the animals are kept: Types and location of enclosures, fencing (length, height, location, etc.), amount of area required for each (i.e., square footage, acreage?) and what amount of area is currently provided for each.**

ALL ENCLOUSURES ARE UNDER LOCK AND KEY PADLOCK SYSTEM. Each animal caging requirement is different depending on species, but is in full compliance with USDA regulations as well as animal control and DFW guidelines -All small mammals have 6 sided enclosures. This means bottom of enclosures are lined with a wire mesh or chain-link and they are topped. All small mammal enclosures have a 6' with tilt in perimeter fence that with at least a 3' walkway in between enclosure and perimeter per USDA requirements.





-All wolf enclosures are at least 6'-8' high. Our post and stretch fencing is 6' and our chain-link panel are 8' high with electric wire running top and middle and bottom. Wolves in our bottom part of our compound have 6' fencing with a 6' perimeter fence with 1.5' tilt ins. Wolves in bigger 1–2-acre runs are 6' high with 1' tilt in's and a 3-strand hot fence system 8-9 volt. Wolves are put away into night runs when staff is unavailable to supervise in bigger runs. All night runs are 24'x24'x8' with cattle panel bottoms, chain-link tops with solid roof tops. All night runs placed within the acer runs act as permitter fence for night runs. Both permitter doors and cage doors are locked with padlocks. This is more than is required by the USDA.





-3 cougar enclosures and 1 bobcat enclosure are 24’x36’ each. They all have chain-link roof. Per USDA guidelines all cat enclosures must have a covered walkway /perimeter fence. All cats have a 3’ walkway all the way around enclosures that is topped. It also includes an additional 6’ with tilt in perimeter fence for extra safety.



-Bird flights are chain-link and topped. No dig outs are required for these enclosures.



- South American Trailer- Sloths, armadillo, kinkajous and tortoises are kept in a 40’ mortified insulated container. This ensures that temperatures remain over 80 degrees as each animal housed in this facility requires that temperament for survival.



- Reptile house. Reptile house is another 40’ refer unit and contains wooden enclosures with glass fronts and consist of all sizes to accommodate species of snakes or lizards. Reptile house temperature is always set at 82 degrees. The main heat source is propane furnaces. Some reptiles require UVB lighting and cages are set up to accommodate the special lights needed.





- E. **Describe how the animals are cared for. When and how often are they fed and what the food source is. When and how often are they inspected by a veterinarian and does that take place on or off site. How often are the enclosures cleaned?**

POTH has a staff that cares for these animals daily. All animals' enclosures are cleaned daily. Mammals and birds are fed daily Monday-Saturday and fasted on Sunday. Reptiles are on a strict feeding schedule according to their species requirements. Food comes from our donors of Walmart, Chief Store, Del Fox Meats and local farmers. As many of our animals come to us as rescues and require specialized diets, we also purchase supplement foods from Mazuri Exotic Foods, Chewy, Rodent Pro, Costco, Amazon and other exotic animal food sources. All animals are inspected by veterinarian at least 1 time a year, unless medical attention is needed. Animals are both seen by a veterinarian on and offsite depending on medical reason.

F. **Describe how the waste is handled. How and where is it disposed of? How often is it disposed of?**

POTH disposes of all animal waste biweekly through trash service waste management. All waste, meat products, and trash are bagged and disposed of properly and in accordance with local, state and federal law.

LETTERS OF RECOMMENDATION:

February 4, 2022

CITY OF ANACORTES

Matt Miller, Mayor - Personal
Planning,Community & Economic Development
City Council
Administrative Services
Public Works
Anacortes Parks & Recreation
City Attorney

Anacortes Chamber of Commerce

This letter is being written in connection with “Predators of the Heart” a non-profit sanctuary for wolves and other animals located near Anacortes, Washington in Skagit County Washington.

It is my understanding that Predators of the Heart its endeavoring to update and/or acquire permits for the facility and they have been met with some resistance.

My wife and I have lived in Anacortes for over 20 years. I presently live very close to Predators of the Heart facility. During my ENTIRE time living in Anacortes I have-not heard any adverse or negative statements concerning Predators of the Heart!

I did not know of the existence of Predators of the Heart until approximately 5 years ago when I received a telephone call from my granddaughter (Chloe) who lives in Ohio asking why i did not take her to see the wolves in Anacortes. I told her that I did not know about it and would certainly take her and family to Predators of the Heart on their next visit providing was safe etc.

My investigation found the facility to be safe, educational, and an opportunity to expand one’s knowledge through face to face interaction with the wolves and other animals. We, my family from Ohio visited the sanctuary on their very next trip from Ohio which was a very short time after the call from my granddaughter.

Have visited the Predators of the Heart site several times since learning of existence! Each time I have found the facility to be in exceptional condition, safe, and in constant upgrading to ensure future safety for both the animals in the complex and the adjacent public. On each visit the staff was a class act.

I know our government has regulations and procedures in place that require a non-profit animal sanctuary to meet and maintain high standards and is subject to frequent audits. Since

Predators of the Heart has been in existence for over 20 years - it has obviously met the requirements.

What a huge opportunity “Predators of the Heart” is for educational purposes for our local community!

It also adds to our water endeavors, such as kayaking, whale watching, fishing and hiking etc. that our wonderful island offers. In addition, it generates revenue to the city of Anacortes when people visit and use/enjoy our restaurants, lodging, and shopping at our unique stores.

It is ironic, that I found the existence of Predators of the Heart because a Ohio couple on their honeymoon visited the facility - told my granddaughter how great it was - who called me and bawled me out for not taking her there - WOW what a powerful advertiser word of mouth is!!! “Predators of the Heart” is a WIN WIN for the City of Anacortes, Skagit County, and our entire local area!

It is very safe, in my opinion, and must have met all government regulations for the 20 plus years it has been in existence.

I ask for support from our city, county and whoever else to approve what is necessary to keep this wonderful educational, revenue generating and unique facility operating for the benefit of people in the future.

Thank you in advance for considering my first hand knowledge of “Predators of the Heart”.

Sincerely,

Pete Nelson, Former General Director of Risk Management Department of a (self-insured) Large Corporation and Adjunct Instructor, Business Law and other business subjects at Skagit Valley College for 10 plus years

cc: Predators of the Heart

PREDATORS OF THE HEART ANACORTES

To: Ms. Ashley Carr, Administrative Manager

This letter is in regards to, “Predators of the Heart,” a non-profit organization for animal conservation located in Skagit County, near Anacortes WA. This organization is also the host of “Wolf Encounters,” an experience that provides visitors with an opportunity to spend time with the animals in an up-close and safe environment. As someone who has attended the Wolf Encounter experience and has interacted with the other animals at the site, I would like to share my experience with you.

My father has lived in Anacortes for over 20 years now and my family has made many trips from Ohio to visit and enjoy the beauty of the city and surrounding waters. We have whale watched, kayaked, hiked and hit the downtown shops and restaurants. About 5 years ago, my daughter who works at Goodyear Tire and Rubber Headquarters in Ohio, sent me a text demanding to know why we had never gone to Predators of the Heart! Apparently, a recently married co-worker and his wife went there while traveling the Pacific Northwest on their honeymoon. The reason was we didn’t know it was there! Predators of the Heart sits in the woods near my dad’s house, but he didn’t know of it either. Of course, he scheduled a visit right away and loved every moment of it and we set up a tour on our next trip to see him. It was an experience we all talk about to this day! How else would you ever get an opportunity to touch, pet and get an up close interaction with a wolf (Max and his mom for us), sloths, albino skunks, a cougar and others? The tour was personal, educational and at NO time did any of us feel anything but safe!

We were in absolute awe of the animals and the work done there to allow others a small moment of that experience. It was truly amazing. I know my dad has returned and taken others since then to experience it with the same appreciation.

Apparently, the organization is facing scrutiny and the concerns of a few that its present location is unsafe. I would like to refute that by again saying it felt very safe for my family; I took my children there! On our visit we did the tour with a young couple from Seattle. This is where they go every year for a wedding anniversary gift, because of the love and respect they shared for the work. Since that time, I have made several charitable contributions to Predators of the Heart to offer something that supports the important work that they do. I believe it is important to appreciate wildlife as something more than a photo or a meal. The interaction with the animals should be personal to build respect and educational to foster true understanding of wildlife. This has been the mission of Predators.

I truly feel this place offers a rare opportunity for the Anacortes area. It is an attraction, the same as kayaking and whale watching, and brings people into a small town that otherwise might not be visited. People visit, they eat there and probably stay which is revenue for the local businesses and, most importantly, they leave and share their unique experience with others. It is truly a one of a kind adventure.

I would ask for the support of local and county decision makers in keeping this resource available to the general public. It is a jewel to the owners, and they take great care in the stewardship of it for all the right reasons.

Thank you in advance for your consideration of my thoughts and ask.

SINCERELY,

DANA NELSON, RN MN APRN CNS 3

Dear Mr. Mayor,

We write to you in support of Predators of the Heart (PH) which we understand is seeking a required permit from Skagit County. We are directing comments to your Office because we hear that the City is expressing opposition to PH's permit application on the grounds that there is lack of interest and support within the community.

We live in the County just outside Anacortes City Limits. We shop, of course in Aancortes, patronise local restaurants, many other businesses and amenities there. We are supporters of PH. Our immediate families live in Seattle and Atlanta, and it is their practice to rent facilities within Anacortes when they visit us. On several occasions, we have visited PH, and with our families too. It has always been a rewarding, informative, and uplifting experience. We ourselves are avid world travelers (and erstwhile trekkers); wild places and wild animals being our primary interests. PH fits well with our love of nature.

We hope our comments are useful, and, of course, would be happy to answer any questions you may have.

Respectfully, Hugh and Wendy Kendrick

11342 Mainsail Lane
Anacortes, WA 98221
360-293-0932

Colin & Deanna Emsley
2200 20th Place, Anacortes, WA 98221
360-333-2387
colinsmarine@gmail.com
emsley.deanna@gmail.com

Dear Recipient,

It is our sincere pleasure to enthusiastically recommend that Predators of the Heart be given permission to continue operating within Skagit County, and specifically within the vicinity of Anacortes.

We have been residents of Anacortes for nearly twenty years and have operated a tourist-oriented marine business during that entire time. We have witnessed time and time again the incredible impact that Predators of the Heart ("POTH") has on visitors to this area. Every group that we refer to POTH comes away absolutely spellbound by the experience. We have had clients make repeated trips back to Anacortes specifically so that they could incorporate a visit to POTH.

As residents who live less than 3-miles away from POTH, it is no surprise to us at all that everybody who visits the sanctuary is forever changed by the experience. The unique combination of animals at POTH, combined with the unparalleled ability to get such an intimate look into their lives, truly sets POTH apart.

Beyond the majesty of the animals themselves is the incomparable passion that the entire POTH team has for their critical dual mission of conservation and education. It is this dual mission more than anything else that truly sets POTH apart, and which in turn helps set Anacortes apart.

We beam with pride each time we refer our clients to POTH, and we relish our own visits to the sanctuary as often as possible.

Anacortes is always quick to tout its commitment to the natural playground within which it sits. A continued commitment to POTH is critical example of living up to that heritage and pledge.

Regards,

Colin & Deanna Emsley

SAFETY PROTOCOLS

(ANIMAL RECAPTURE PROTOCOLS)

INTRODUCTION

PURPOSE

Purpose is to properly house and exhibit exotic animals at POTH wildlife sanctuary/conservation located at 4709 Welch Lane, Anacortes, WA 98221. All POTH enclosures have met USDA guidelines and are designed for safe containment through housing, shifting, holding and transporting. However, no matter how well enclosures are designed, and safety protocols are followed, escape is a possibility. Therefore, POTH has created a "Safety Protocol" including an animal escape and recapture protocol. This is to ensure quick and safe recapture in the event of an animal escape. A safety guideline has been established to protect visitors, employees and neighbors from possible harm. Ensuring routine facility practices are reviewed to help prevent similar situations from occurring.

Our goal is to create this "Safety Protocol" to help prevent escapes and ensure proper training is given to staff on how to respond quickly and efficiently in case of an emergency. We accomplish this by providing clear guidelines, roles, responsibilities, procedures and tools needed in any situation. Our objective of the "Safety Protocols" is to provide the proper training, tools and drills ensuring best practices are accomplished. POTH will be performing at least 2 training drills a calendar year. This practice will ensure that staff can safely implement all aspects of a recapture plan should an escape occur.

ASSOCIATED EQUIPMENT

Blowpipe 180DM w/ Detachable Mouthpiece, CO2 Deluxe Pistol, Jab stick, Bear Spray, Blow Horn, Ruger EC9s 9MM (Concealed carrier license Ashley Carr, Danny Overman)

KEY DUTIES FOR OPERATION TIERS

TIER I (EXPERT HANDLER/MANAGEMENT)

Expert handlers have a minimum of 5 years of animal husbandry, handling, training and on the job experience. Expert handlers have been through big cat training and are USDA certified of POTH to handle big cats. POTH board of directors will determine if a staff member is qualified to be a tier I.

TIER II (INTERMEDIATE HANDLER)

Intermediate handlers at POTH must have 2 years of animal handling training or on the job experience. Intermediate handlers may handle all species of animals except for big cats (any exotic cat over 65lbs)

TIER III (BASIC HANDLER)

Basic handlers must have 6 months (40 hour work weeks) of on the job training with a tier II or tier I handler. The Basic Handler will perform tasks of feeding the animals, cleaning their living and sleeping areas, and other aspects of basic care. Animals for a tier III will help with wolf encounters under tier I or II supervision and start training in basic wolf behavior and handling.

TIER IV (HANDLER IN TRAINING)

Staff member in training before handling any animals. Must have 25 days of training before performing basic tasks without supervision. No animal handling will be performed without Tier 1 supervision and training.

TIER REQUIREMENTS FOR HANDLING ANIMAL

1. BIG CAT

Tier I handlers ONLY may enter enclosures with big cats. Tier II may perform daily care for big cats including, feeding, watering and cleaning. All big cats must be in lock out for Tier II to enter the enclosure. Tier II may shut lockouts for Tier III and IV to perform daily tasks. Tier II must lock lockout so no tiers III or IV can enter an enclosure with a big cat.

2. SMALL CATS

Tier I and Tier II handlers ONLY.

3. WOLF DOG

Wolf dogs ambassadors may be worked with by Tiers I,II,III. Tier IV must be supervised by a Tier I or Tier II to enter the cage of wolf dog ambassador.
Wolf dogs in conservation status (not public working wolves) may only be worked with by Tier I and Tier II.

4. SMALL MAMMAL

Small mammals may be handled by Tiers I, II, and III. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, water and feed, and complete basic maintenance needed in enclosures.

5. BIRDS OF PREY AND BIRDS

Tiers I, II, and III may handle birds. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, feed and water, and complete basic maintenance needed in enclosures.

6. REPTILE (NON-VENOMOUS)

Tiers I, II, and III may handle reptiles. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, feed and water, and complete basic maintenance needed in enclosures.

7. REPTILE (VENOMOUS)

Tier I and Tier II ONLY may handle or care for venomous reptiles.

ANIMAL ESCAPE/RECAPTURE PROTOCOL

REPORTING ESCAPE OF DANGEROUS ANIMAL

KEEP THE ANIMAL UNDER OBSERVATION FROM A SAFE DISTANCE UNTIL HELP ARRIVES. DO NOT ATTEMPT TO RECAPTURE, HERD, OR APPROACH AN ESCAPED ANIMAL ALONE. Each and every animal escape, regardless of relative danger posed by the animal, is to be reported. Dangerous animal escapes must be reported immediately to a Tier I employee by hand-held radio or by phone if unreachable by radio. The employee reporting the escape should remain calm, speak deliberately and clearly and provide the following information to the best of their knowledge:

1. Animal species that escaped.
2. If animal is still in perimeter fencing
3. The number of escaped animals observed
4. Exact location of animal(s)
5. Direction of animal(s) movement
6. Condition and behavior of animal (injured, panicked, running, etc)

Employees must have a handheld radio while working. Radios are available in the POTH gift shop. Radio is set to the correct channel. Incident report must be completed after capture

REPORTING ESCAPE OF NON-DANGEROUS ANIMAL

Animals not listed in the dangerous animal section of this document are not considered an immediate potential danger to employee's, visitors, or neighbors. Some animals are highly mobile (e.g. small primates) and can possibly be difficult to recapture. Other animals that are less mobile will allow for an easier capture. Responses to escapes by these species may or may not require the full response team like required for dangerous animals. All escapes must still be reported. If the escaped animal requires a significant level of staff response to support quick recapture it should be reported via radio to POTH staff immediately. For cases involving highly benign species with poor mobility (e.g. turtles or small ducks) the first report can be made directly to Tier I or Tier 2 staff members to help and ensure safe capture of animals. Incident reports must be filled out after safe capture of animals.

ESCAPE OFF POTH COMPOUND

In cases where an escaped animal leaves POTH grounds (is beyond the limits of the perimeter fence) the president or other persons in charge will instruct notify the following agencies by calling 911 dispatch:

1. Skagit County Animal Control
2. Anacortes Animal Control
3. Anacortes Police Department
4. Anacortes Fire Department
5. Mt. Erie Volunteer Fire Department

POTH will send a Tier 3 employee to the Emergency staging area (Front Main Gate) to meet the responding agencies and provide POTH radio to allow communication and coordination between outside agencies and the recapture team.

KEY RESPONSE AUTHORITIES

Tier I - Ashley Carr: 360-770-7479
Tier II Employee onsite
Skagit County Animal Control: Emilly Diaz: 360-428-3211
City of Anacortes ACFL: 360-293-1918
Asa Deane at Friends of the Forest ACFL: 360-399-6184
Diana Forbes DVM, USDA, APHIS: 206-478-4881
Caleb Stewart Legal Console: 425-455-3900

WEAPONS MANAGEMENT

Blowpipe 180DM w/ Detachable Mouthpiece, CO2 Deluxe Pistol, Jabstick, **Ruger EC9s 9MM (Ashley Carr / Daniel Overman ONLY)**

TIERS DUTIES AND RESPONSIBILITIES IN ESCAPE

TIER I RESPONSE DUTIES

- Contact 911/USDA if animal escapes POTH property
- Evaluate situation
- Give clear guidelines and plan for recapture plan to tier II
- Carry appropriate weapon if necessary

TIER II RESPONSE DUTIES

- Perform responsibilities of Tier 1 if not on premise
- Work with Tier I to recapture animal
- Carry appropriate weapon for capture if necessary
- Update Tier III with current status of capture

TIER III RESPONSE DUTIES

- To set up a base at the main gate to allow proper authorities if needed if an animal escapes off POTH property.
- To provide updates and communication to outside agencies if animals escape off POTH property. (POTH radio to be provided to agencies)
- To provide any tools necessary to staff for safe recapture
- Contact local agencies not associated with 911 or USDA if requested by Tier I

TIER IV RESPONSE DUTIES

- Check ALL perimeter fences are properly closed including front gate
- Stand at camera monitor and monitor animal movement/capture
- If animals escape during a tour, escort the tour group safely to the gift shop and have them remain calm.
- To complete any task given by Tier I or Tier II

AUTHORITY CONTACTS

TIER I CONTACTS

Ashley Carr / President 360-770-7479
Daniel Overman / Vice President 360-982-8313

SKAGIT COUNTY CONTACTS

Skagit County Animal Control- Emilly Diaz: 360-428-3211

USDA

Diana Forbes DVM, USDA, APHIS: 206-478-4881

CITY OF ANACORTES/ACFL CONTACTS

City of Anacortes ACFL 360-293-1918
Asa Deane at Friends of the Forest ACFL 360-399-6184

LEGAL TEAM

Caleb Stewart at Oseran and Hahn 425-455-3900

NEIGHBOR CALL LIST

TO BE ANNOUNCED

LIST OF DANGEROUS ANIMALS

- Cougars
- Wolves

LIST OF NON-DANGEROUS ANIMALS

- Anteater
- Porcupine
- Kinkajou
- Sloth
- Opossum
- Raccoon
- Fox
- Birds
- Skunk
- Armadillo
- Coatimundi
- Bobcats
- Constricting Reptiles
- Lizards
- Tortoises
- Alligator
- Marmosets

PREVENTION SAFETY PROTOCOLS

STAFF PREVENTIONS MEASURES

It is staff's responsibility to assure the safety of the public, neighbors and the animals by taking proper safety measures. All doors must be closed and locked upon entry and exit. Enclosures doors and locks must be checked to ensure they are functioning properly at all times. All staff must be observant to possible hazards to enclosures such as, overhanging limbs, dead trees, possible perimeter hazards etc. All hazards must be reported to management immediately. Employees must also keep a close eye on primary enclosures to assure they are in good repair. All perimeter fences must be checked daily. All electric fencing needs to be at 8.2-9.8 volt and popping, if not the employee must find ground out immediately. Failure to follow these safety protocols, leading to a loss of animal, will lead to immediate disciplinary actions against employees.

A.Background

1.Name of proposed project, if applicable:

Predators of the Heart- Animal Preserve Permit- Special use permit

2.Name of applicant:

Predators of the Heart / Ashley Carr

3.Address and phone number of applicant and contact person:

Ashley Carr
13658 Harbor Lane
Anacortes, WA 98221
360-770-7479

4.Date checklist prepared:

3/18/22

5.Agency requesting checklist:

Skagit County Planning and Development

6.Proposed timing or schedule (including phasing, if applicable):

N/A

7.Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

N/A

8.List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

N/A

9.Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No

10.List any government approvals or permits that will be needed for your proposal, if known.

Special Use Permit
USDA Class C Exhibitors Permit

11.Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

ANIMAL PERSEVE PERMIT- NO PROJECTS AT THIS TIME

12.Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s).

Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

B.Environmental Elements

Earth

a.General description of the site:
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?
Approximate 45%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
Forest soil on top of bedrock, brought in gravel

d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**
No

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
Purpose would be for leveling areas for enclosures.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
No

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
Less then 3%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
Native trees and ground cover are left in place to help with erosion.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
None

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
None

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A

3. Water

a. SurfaceWater:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

None

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground Water:

No

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No well on site. City water.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Gray water and 10-person sewage system 2 outhouses pumped biweekly by diamond rentals. In 2019, Septic # 60998, a 2 compartment, with 1750 tank, gravity flow, was installed at hilltop homesite area.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Storm water, natural storm rain run off. No collection

2) Could waste materials enter ground or surface waters? If so, generally describe.

No, we dispose of all animal waste properly. No compost on site

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

N/A

4. Plants

a. Check the types of vegetation found on the site:

__x__deciduous tree: alder, maple, aspen, other
_x___evergreen tree: fir, cedar, pine, other
__x__shrubs
__x__grass
____pasture
____crop or grain
____ Orchards, vineyards or other permanent crops.
____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
____water plants: water lily, eelgrass, milfoil, other
____other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Removal of dead or dying trees when needed. Less .25% if any.

c. List threatened and endangered species known to be on or near the site.

N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

We plan on keeping landscape as natural and native as possible. (established shrubs and trees)

e. List all noxious weeds and invasive species known to be on or near the site.

Blackberries are on part of the property, but we keep them controlled

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Eagles, red tail hawks, owls, coyotes, woodpeckers, song birds, hummingbirds, deer

Examples include:
birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

N/A

c. Is the site part of a migration route? If so, explain.

N/A.

d. Proposed measures to preserve or enhance wildlife, if any:

Our mission is preserving wildlife by limiting amount of ground work needed. We will be keeping the natural land intact as much as possible.

e. List any invasive animal species known to be on or near the site.

Gray squirrels

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

electric, propane with plans to change to all solar.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Our goal is to switch our compound to solar energy

7. Environmental Health

a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

None

1) **Describe any known or possible contamination at the site from present or past uses.**

N/A

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

4) Describe special emergency services that might be required.

N/A

5) Proposed measures to reduce or control environmental health hazards, if any:

N/A

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None

2) **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indi- cate what hours noise would come from the site.**

   Natural animal noises at time but minimal

3) **Proposed measures to reduce or control noise impacts, if any:**

   N/A

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
Adjacent properties have Personal sawmill, livestock, and off road quad and dirt bike track.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
N/A

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:
N/A

c. Describe any structures on the site.
There is a 12x12 gift shop and two 40' shipping containers on site

d. Will any structures be demolished? If so, what?
No

e. What is the current zoning classification of the site?
Rural Reserve

f. What is the current comprehensive plan designation of the site?
Animal Preserve

g. If applicable, what is the current shoreline master program designation of the site?
N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
No

i. Approximately how many people would reside or work in the completed project?
Up to 5-10 people

j. Approximately how many people would the completed project displace?
zero

k. Proposed measures to avoid or reduce displacement impacts, if any:
N/A

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

N/A

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

We are leaving land as natural as possible.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, mid- dle, or low-income housing.

0

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

0

c. Proposed measures to reduce or control housing impacts, if any:

No houses will be built

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

12 feet 12x12 cabin

b. What views in the immediate vicinity would be altered or obstructed?

None

b. Proposed measures to reduce or control aesthetic impacts, if any:

Leaving everything as natural as possible

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measures to reduce or control light and glare impacts, if any:

N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Hiking and site seeing

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Our goal is to keep the beauty of the land

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

N/A

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

N/A

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

None

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

N/A

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

None

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

None

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No

h. Proposed measures to reduce or control transportation impacts, if any:

N/A

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A

b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

16. Utilities

a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other: Propane

c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Ashley Carr

Name of signee Ashley Carr

Position and Agency/Organization Predators of the Heart

Date Submitted: 3/22/22

D. Supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; pro- duction, storage, or release of toxic or hazardous substances; or production of noise?

N/A

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

None

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are: None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are: None

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Proposed measures to reduce or respond to such demand(s) are: NONE

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

None

The JOHNSON Shortplat

NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.

LEGAL DISCRIPTION

PARCEL A:
The North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, Skagit County Washington:

EXCEPT that portion of the North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian described as follows:

Beginning at the Southwest corner of the said North Half:
Thence North 0°32'05" East a distance of 174.58 feet along the West line of said North half;
Thence South 44°08'02" East a distance of 141.68 feet;
Thence along a curve to the left, concave to the North, having a radius of 238 feet and an arc length of 190.77 feet;
Thence North 89°38'51" East along the South line of said North Half a distance of 271.57 feet to the true point of beginning.

Situated in Skagit County, Washington.

PARCEL B:

A portion of the Northeast Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the North Quarter corner of said Section 25;
Thence South 89°15'03" West, a distance of 77.88 feet along the North line of said section;
Thence South 0°32'05" West, a distance of 299.95 feet;
Thence South 19°48'46" East, a distance of 157.79 feet;
Thence South 31°06'09" East, a distance of 43.89 feet to the East line of the Northwest Quarter of said Section;
Thence North 0°32'05" East, a distance of 487.01 feet to the true point of beginning.

Situated in Skagit County, Washington

PARCEL C:

An easement for ingress, egress and road and utility purposes over the following described parcels:

1. The South 20 feet and the East 30 feet of the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

2. The North 20 feet and the East 40 Feet of the South Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

Except the East 20 feet thereof;

3. The South 40 feet of the South Half of the Northeast Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

EXCEPT any portion thereof lying within the County Road.

Situated in Skagit County, Washington.

PARCEL D:

An easement for road, travel and utility purposes over the following described parcel:

A 30-foot wide strip in the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, being 15 feet on each side of the following described centerline:

Beginning at a point 15 feet West of the Northeast corner of said North Half;
Thence South parallel to the East line of said North Half to a point 15 feet North of the South line of said North Half;
Thence West parallel to said South line for a distance of 320 feet;
Thence North parallel to the East line of said North Half to a point on the North line of said North Half.

Situated in Skagit County, Washington.

COUNTY APPROVALS

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY SHORT PLAT ORDINANCE SCC 14.18.

ON THIS 26th DAY OF March, 2009

Planning and Development Services — 3/26/09 Date

County Engineer — Mar 4, 2009 Date

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY TITLE 12.05 (ON-SITE SEWAGE) & 12.48 (WATER) ON THIS 5th DAY OF March, 2009

County Health Officer — 5 March 09 Date

NOTES

1. 'The short plat number and date of approval shall be included in all deeds and contracts.'

2. A LOT OF RECORD CERTIFICATION HAS BEEN ISSUED FOR ALL LOTS INCLUDED IN THIS LAND DIVISION BY VIRTUE OF RECORDING THIS LAND DIVISION AND ISSUANCE OF THE LOT CERTIFICATION, ALL LOTS HEREIN SHALL BE CONSIDERED LOTS OF RECORD FOR CONVEYANCE AND DEVELOPMENT PURPOSES UNLESS OTHERWISE RESTRICTED. SEE A.F. #200903270122.

3. 'No building permit shall be issued for any residential and/or commercial structures which are not at the time application, determined to be within an official designated boundary of Skagit County Fire District.'

4. 'Change in location of access, may necessitate change of address, contact Skagit County Planning & Development Services.'

5. Water will be supplied by the City of Anacortes to both lots.

6. Zoning and Comprehensive Plan - Rural Reserve.

7. Area Calculations:
The total acreage for the entire parcel (20.08 acres)
Lot 1 10.08 acres
Lot 2 10.00 acres

8. All private roads, easements, community utilities and properties shall be owned and maintained by separate corporate entity or the owners of property served by the facility and kept in good repair. The private 30' access and utility easement along the south property line of lot A serving lot B will be the sole maintenance responsibility of lot B. For any common road easements adequate provisions shall be made for appropriate pro-rata contributions for such maintenance by any future land divisions that will also use the same private road.

9. Sewage disposal will be on-site septic systems.

10. All runoff from impervious surfaces and roof drains shall be directed so as not to adversely affect adjacent properties.

11. A Skagit County address range will begin at 4502 and end at 4863 on Welch Lane for Lot B. Lot A will remain 4665 Welch Lane. At the time of application for building and/or access, Skagit County GIS will assign the address in accordance with the provisions of Skagit County Code 15.24.

12. This parcel lies within an area or within 500 feet of area designated as a natural resource lands (agricultural, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, State, and Federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact Skagit County Planning and Development Services for details.

TREASURERS CERTIFICATE

This is to certify that all taxes heretofore levied and which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, up to and including the year of 2009.

This 23rd day of March, 2009 (2008)

Skagit County Treasurer

Treasurer • Skagit County • OFFICIAL SEAL • State of Washington

AUDITORS CERTIFICATE

RECORD OF SURVEY AT THE REQUEST OF CLAIR A. CROSSMAN

200903270122
Skagit County Auditor
3/27/2009 Page 1 of 2 2:04PM

J. Youngquist Shawn Smith
AUDITOR DEPUTY AUDITOR

CONSENT

KNOW ALL PERSONS BY THESE PRESENT THAT THE UNDERSIGNED SUBDIVIDERS HEREBY CERTIFY THAT THIS SHORT PLAT IS MADE AS THEIR FREE AND VOLUNTARY ACT AND DEED.

RICHARD K. JOHNSON ~~DIANE~~ M. JOHNSON

Beneficiary Consent: DIANA
WELLS FARGO BANK N.A.,
BY: Edward A. DeBus, V.P.

ACKNOWLEDGEMENT

STATE OF WASHINGTON
COUNTY OF ~~SKAGIT~~ KING

ON THIS 11th DAY OF February, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED RICHARD K. JOHNSON AND DIANE M. JOHNSON, HUSBAND AND WIFE, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 1701 N 45th St Seattle WA 98103

Chelsea A Howard MY COMMISSION EXPIRES 01/11/2012.

CHELSEA A. HOWARD NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JAN. 11, 2012

STATE OF ~~WASHINGTON~~ Maryland
COUNTY OF ~~SKAGIT~~ Frederick

ON THIS 18 DAY OF February, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ~~WASHINGTON~~ Maryland, DULY COMMISSIONED AND SWORN,

PERSONALLY APPEARED Edward A. DeBus, Vice President
TO ME KNOWN TO BE THE ~~MANAGER~~ OF WELLS FARGO BANK N.A., A CORPORATION, AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE IS AUTHORIZED TO EXECUTE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ~~WASHINGTON~~ Maryland, RESIDING AT 8480 Stagecoach Circle, Frederick, MD 21701

Maryland MY COMMISSION EXPIRES 08/29/2010.

My Comm. Exp. 08/29/2010

CLAIR A. CROSSMAN STATE OF WASHINGTON 9509 REGISTERED PROFESSIONAL LAND SURVEYOR
11-25-08

SURVEYOR
Crossman & Associates
16146 McLean Road
Mt. Vernon, WA 98273

SHORT PLAT NO. PL06-1121

SHEET 1 OF 2

SHORT PLAT *FOR: Richard & Diana Johnson*
4665 Welch Lane
Anacortes, WA 98221

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON

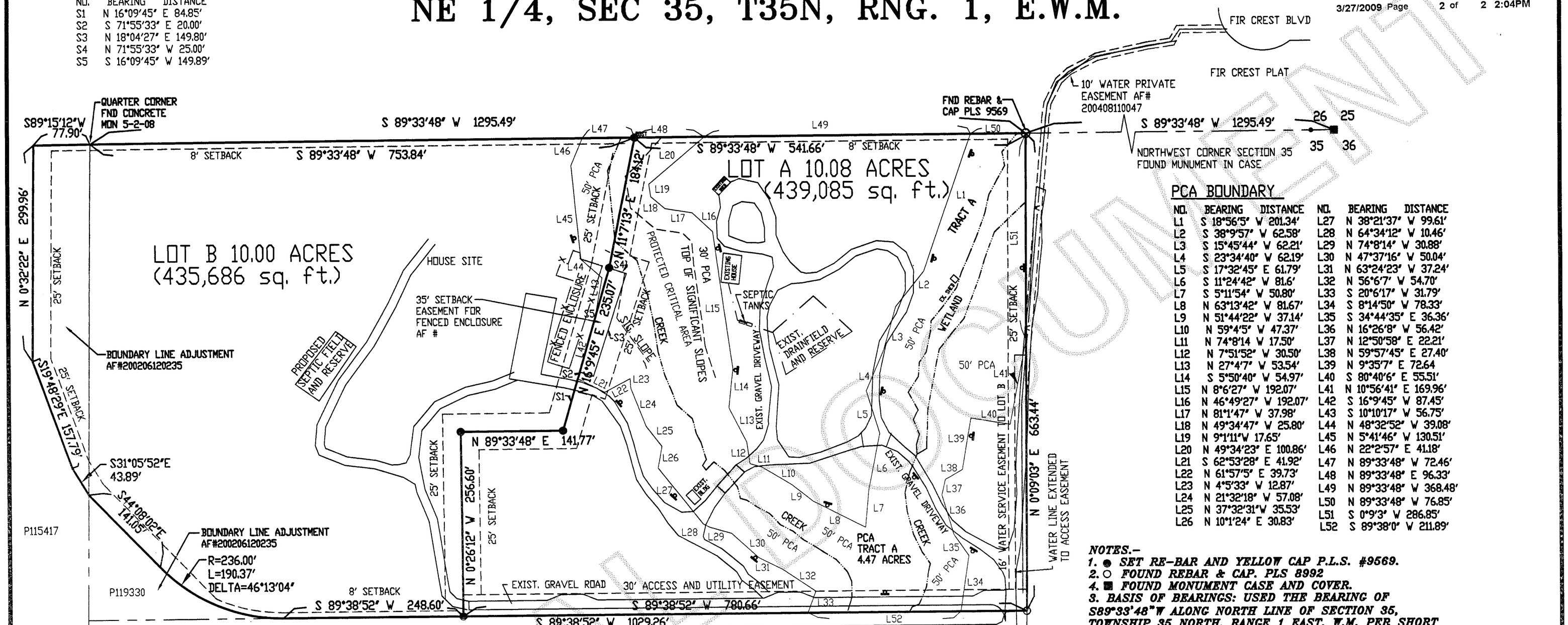
HERRIGSTAD ENGINEERING PS
4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804

DWG.:J520
DWN BY: DKH
CHECK BY:CAC
DATE: May. 2008
SCALE: 1"=200'
JOB NO.: 520

UNOFFICIAL DOCUMENT

200903270122
Skagit County Auditor
3/27/2009 Page 2 of 2 2:04PM

The JOHNSON Shortplat
NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.



PCA BOUNDARY

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S 18°56'5" W	201.34'	L27	N 38°21'37" W	99.61'
L2	S 38°9'57" W	62.58'	L28	N 64°34'12" W	10.46'
L3	S 15°45'44" W	62.21'	L29	N 74°8'14" W	30.88'
L4	S 23°34'40" W	62.19'	L30	N 47°37'16" W	50.04'
L5	S 17°32'45" E	61.79'	L31	N 63°24'23" W	37.24'
L6	S 11°24'42" W	81.6'	L32	N 56°6'7" W	54.70'
L7	S 5°11'54" W	50.80'	L33	S 20°6'17" W	31.79'
L8	N 63°13'42" W	81.67'	L34	S 8°14'50" W	78.33'
L9	N 51°44'22" W	37.14'	L35	S 34°44'35" E	36.36'
L10	N 59°4'5" W	47.37'	L36	N 16°26'8" W	56.42'
L11	N 74°8'14 W	17.50'	L37	N 12°50'58" E	22.21'
L12	N 7°51'52" W	30.50'	L38	N 59°57'45" E	27.40'
L13	N 27°4'7" W	53.54'	L39	N 9°35'7" E	72.64
L14	S 5°50'40" W	54.97'	L40	S 80°40'6" E	55.51'
L15	N 8°6'27" W	192.07'	L41	N 10°56'41" E	169.96'
L16	N 46°49'27" W	192.07'	L42	S 16°9'45" W	87.45'
L17	N 81°1'47" W	37.98'	L43	S 10°10'17" W	56.75'
L18	N 49°34'47" W	25.80'	L44	N 48°32'52" W	39.08'
L19	N 9°1'11"W	17.65'	L45	N 5°41'46" W	130.51'
L20	N 49°34'23" E	100.86'	L46	N 22°2'57" E	41.18'
L21	S 62°53'28" E	41.92'	L47	N 89°33'48" W	72.46'
L22	N 61°57'5" E	39.73'	L48	N 89°33'48" E	96.33'
L23	N 4°5'33" W	12.87'	L49	N 89°33'48" W	368.48'
L24	N 21°32'18" W	57.08'	L50	N 89°33'48" W	76.85'
L25	N 37°32'31"W	35.53'	L51	S 0°9'3" W	286.85'
L26	N 10°1'24" E	30.83'	L52	S 89°38'0" W	211.89'

LEGEND

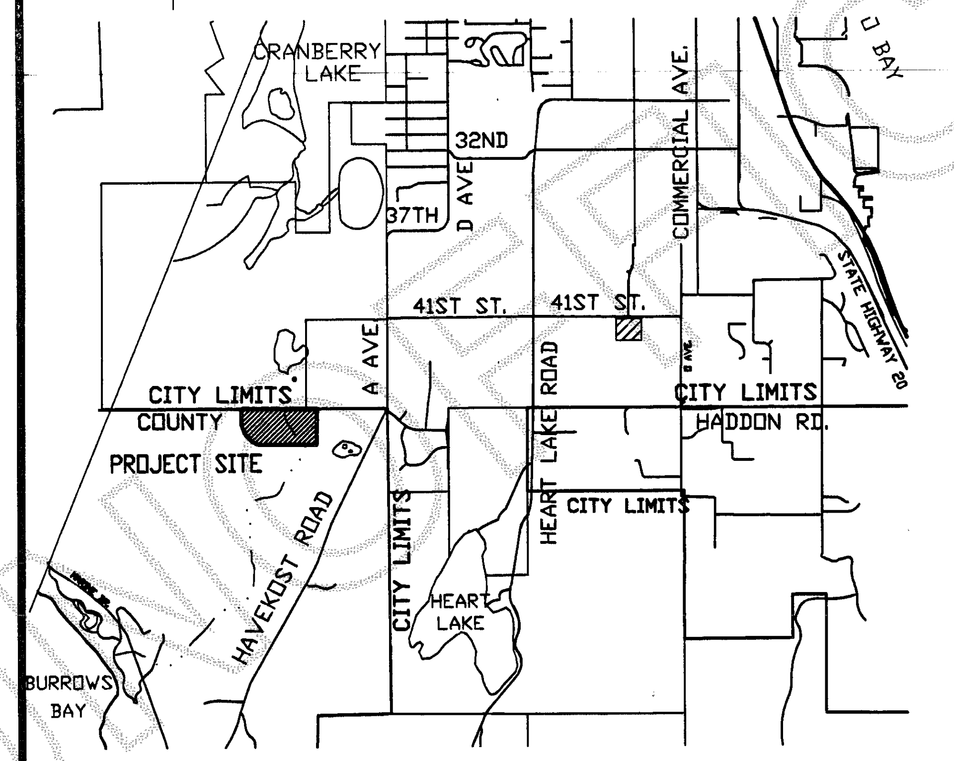
PCA SIGNAGE LOCATIONS

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

PCAE - PROTECTED CRITICAL AREA EASEMENT AF #200903270124



VICINITY MAP
SCALE: 2"=1 MILE
SURVEY IN SECTION 35, T.35N., R1E., W.M.

NOTES.–

1. ● SET RE-BAR AND YELLOW CAP P.L.S. #9569.
2. ○ FOUND REBAR & CAP. PLS 8992
4. ■ FOUND MONUMENT CASE AND COVER.
3. BASIS OF BEARINGS: USED THE BEARING OF S89°33'48"W ALONG NORTH LINE OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M. PER SHORT PLAT NO. 93-081, AF # 9410100067.
4. EQUIPMENT USED: PENTAX R-323N TOTAL STATION.
5. ERROR OF CLOSURE MEETS WASHINGTON STATE SURVEY STANDARDS.
6. SURVEY METHOD: STANDARD FIELD TRAVERSE.
7. ZONING: RURAL RESERVE

GENERAL INFORMATION

1. Assessor's Account No. 350135-1-006-0108, P32553.
2. Description and exception information is from Chicago Title Company, Order No: ICC41101, dated December 11, 2006.
3. This property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record including but not limited to those instruments referred to in Chicago Title Company Report referenced under Note 2 above. Said report lists documents recorded under Auditors File Numbers 860600 , 8202230027, 630694, 200206120236, 200405100214, 200406240055, 200406300061, 200408110046, 200408110047 and 200408180096. Deeds of trust are recorded under Auditors File Number 200408130204, 200504080053 and 200504080054.
4. A Varianee has been granted to this property for a 40' ingress, egress & utility easement on welch lane and for a 30' ingress, egress & utility easement on parcel P32554.

SURVEYORS CERTIFICATE

I hereby certify that the short subdivision is based on an actual survey, which is retraceable and based on a true subdivision of the section, that the distances, courses, and angles are shown thereon correctly, and that monuments have been set and lot corners staked on the ground as shown on the short plat in accordance with the provisions contained in Chapter 332-120 WAC.

CLAIR A. CROSSMAN, P.L.S.
Certificate No. 9569
Date 11-25-08

CLAIR A. CROSSMAN STATE OF WASHINGTON 9569 REGISTERED PROFESSIONAL LAND SURVEYOR

11-25-08

SURVEYOR
Crossman & Associates
16146 McLean Road
Mt. Vernon, WA 98273

SHORT PLAT NO. PL 06-1121 SHEET 2 OF 2

SHORT PLAT FOR: Richard & Diana Johnson
4665 Welch Lane
Anacortes, WA 98221

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON

HERRIGSTAD ENGINEERING PS
4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804

DWG.:J520
DWN BY: DKH
CHECK BY:CAC
DATE: Oct. 2008
SCALE: Noted
JOB NO.: 520

UNOFFICIAL DOCUMENT

UNOFFICIAL DOCUMENT

200406300061
Skagit County Auditor
6/30/2004 Page 1 of 2 10:09AM

Return to:
Richard + Diana Johnson
4665 Welch Lane
Anacortes, WA 98221

PROTECTED CRITICAL AREA SITE PLAN
Page 1 of 2

Grantor/Owner: Richard & Diana Johnson

Grantee: PUBLIC

Site Address: 4665 Welch Lane

Property ID #: P 32553 Assessors Tax Account #: 550135·1·006·0108

Legal Description: Sec. 35 Twp. 35 Rng. 1 / Plat Name _____ Lot _____

Permit/Activity #: BP04-0634

The PROTECTED CRITICAL AREA (PCA) is to be left undisturbed in its natural state. "With the exception of activities identified as Allowed without Standard review under SCC 14.24.100, any land-use activity that can impair the functions and values of critical areas or their buffers through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to, existing vegetation shall require critical areas review and written authorization pursuant to SCC 14.24." SCC 14.24.060 No clearing, grading, filling, logging or removal of woody material, building, construction or road construction of any kind, planting of non-native vegetation or grazing of livestock is allowed within the PCA areas except as specifically permitted by Skagit County on a case-by-case basis consistent with SCC 14.24.

Representations on this site plan may be approximations only and should not be used for purposes other than for determining general locations of critical areas. Development activities beyond the scope of this plan may require additional studies and approvals.

The above references to "Grantor" and "Grantee" shall not be construed as a transfer of property ownership and ~~are used solely~~ for filing with the County Auditor.

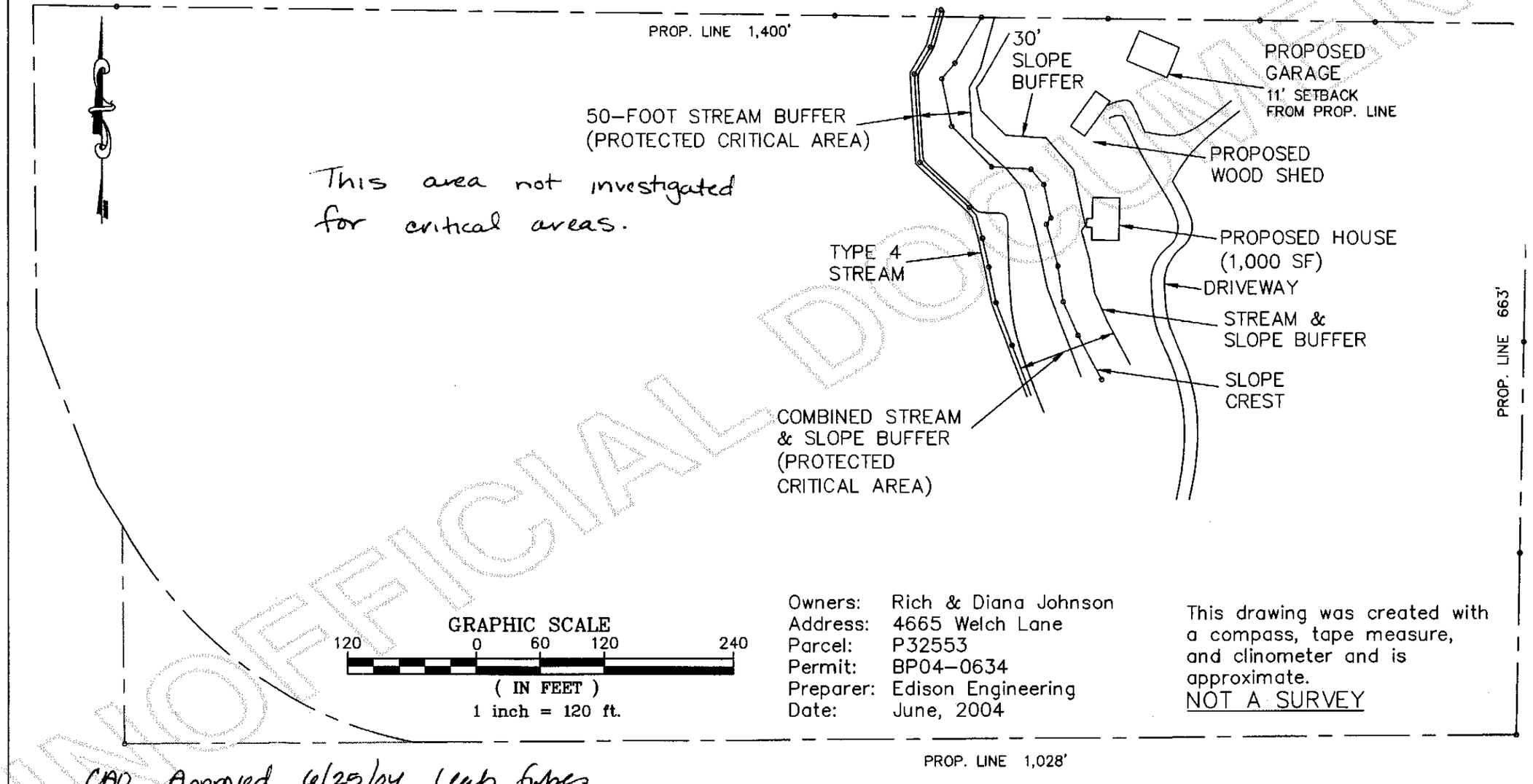
Owner: Diana M Johnson Date: 6-30-04

On this day personally appeared before me Diana M. Johnson known to be the individual described herein and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

Cathy J. Bay-Schmith, Notary Public in and for the State of Washington, residing at Anacortes, WA 98221 Date: 6-30-04

CATHY J. BAY-SCHMITH
STATE OF WASHINGTON
NOTARY --o-- PUBLIC
MY COMMISSION EXPIRES 11-28-07

CRITICAL AREA SITE PLAN



GRAPHIC SCALE
120 0 60 120 240
(IN FEET)
1 inch = 120 ft.

Owners:	Rich & Diana Johnson
Address:	4665 Welch Lane
Parcel:	P32553
Permit:	BP04-0634
Preparer:	Edison Engineering
Date:	June, 2004

This drawing was created with a compass, tape measure, and clinometer and is approximate.
NOT A SURVEY

CAO Approved 6/25/04 Leah Forbes

UNOFFICIAL DOCUMENT

200406300061
Skagit County Auditor
6/30/2004 Page 2 of 2 10:09AM

Return Name & Address:

_____

_____

_____

200903270123
Skagit County Auditor
3/27/2009 Page 1 of 1 2:04PM

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

PLAT LOT OF RECORD CERTIFICATION

File Number: PL06-1121

Applicant Name: Richard & Diana Johnson

Property Owner Name: Richard & Diana Johnson

The Department hereby finds that Lots 1 & 2 of Short Plat PL06-1121 recorded on March 27, 2009 under AF#200903270122

Parcel Number: P32553
Ptn NW ¼ of the NE ¼ of Sec. 35, Twn 35 N, Rge 1 E. W.M.

1. CONVEYANCE

X ***ARE*** Lots of Record as defined in Skagit County Code (SCC) 14.04.020 and therefore **ARE** eligible for conveyance.

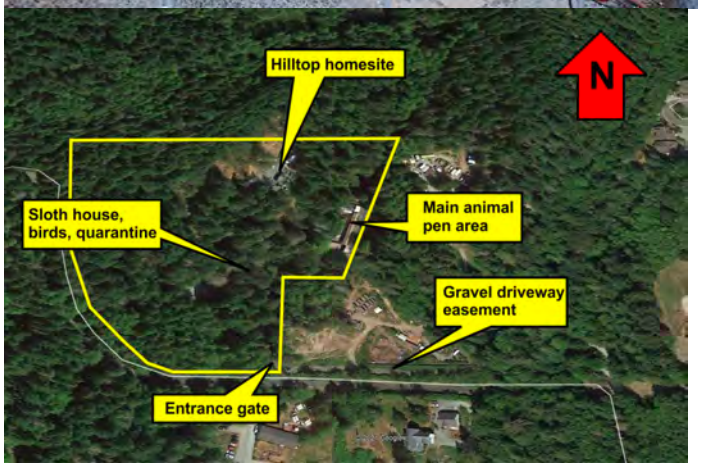
2. DEVELOPMENT

X ***ARE***, the minimum lot size required for the Rural Reserve zoning district in which the lots are located and therefore **ARE** eligible to be considered for development permits.

☐ ***IS/ARE NOT***, the minimum lot size required for the _____ zoning district in which the lot(s) is/are located, but does meet an exemption listed in SCC 14.16.850(4)(c)_____ and therefore **IS/ARE** eligible to be considered for development permits.

Authorized Signature: [signature] Date: 3/27/09

UNOFFICIAL DOCUMENT

1. **If your operation will use a building please describe the size, height and construction type. This building must be**
   - 12x12 Gift Shop which was permitted by Skagit county. The retail building is the only permanently installed improvement that is recognized by the Skagit County assessor. It has 220 square feet and is secured to a post and beam foundation. It was constructed in 2017 under a building permit and is attached to a semi-truck trailer and a steel cargo shipping container which are both parked side-by-side.
   - shown on the site plan.
   - 
   - 

D. **Describe in detail how the animals are kept: Types and location of enclosures, fencing (length, height, location, etc.), amount of area required for each (i.e., square footage, acreage?) and what amount of area is currently provided for each.**

ALL ENCLOUSURES ARE UNDER LOCK AND KEY PADLOCK SYSTEM. Each animal caging requirement is different depending on species, but is in full compliance with USDA regulations as well as animal control and DFW guidelines -All small mammals have 6 sided enclosures. This means bottom of enclosures are lined with a wire mesh or chain-link and they are topped. All small mammal enclosures have a 6’ with tilt in perimeter fence that with at least a 3’ walkway in between enclosure and perimeter per USDA requirements.




-All wolf enclosures are at least 6'-8' high. Our post and stretch fencing is 6' and our chain-link panel are 8' high with electric wire running top and middle and bottom. Wolves in our bottom part of our compound have 6' fencing with a 6' perimeter fence with 1.5' tilt ins. Wolves in bigger 1–2-acre runs are 6' high with 1' tilt in's and a 3-strand hot fence system 8-9 volt. Wolves are put away into night runs when staff is unavailable to supervise in bigger runs. All night runs are 24'x24'x8' with cattle panel bottoms, chain-link tops with solid roof tops. All night runs placed within the acer runs act as permitter fence for night runs. Both permitter doors and cage doors are locked with padlocks. This is more than is required by the USDA.




-3 cougar enclosures and 1 bobcat enclosure are 24'x36' each. They all have chain-link roof. Per USDA guidelines all cat enclosures must have a covered walkway /perimeter fence. All cats have a 3' walkway all the way around

enclosures that is topped. It also includes an additional 6’ with tilt in perimeter fence for extra safety.



-Bird flights are chain-link and topped. No dig outs are required for these enclosures.



- South American Trailer- Sloths, armadillo, kinkajous and tortoises are kept in a 40’ mortified insulated container. This ensures that temperatures remain over 80 degrees as each animal housed in this facility requires that temperament for survival.



- Reptile house. Reptile house is another 40’ refer unit and contains wooden enclosures with glass fronts and consist of all sizes to accommodate species of snakes or lizards. Reptile house temperature is always set at 82 degrees. The main heat source is propane furnaces. Some reptiles require UVB lighting and cages are set up to accommodate the special lights needed.





EXHIBIT #3

ASSESSOR'S PARCEL INFORMATION & GIS IMAGES

Details for Parcel: P128398



Jurisdiction: SKAGIT COUNTY

Zoning Designation: Skagit County - Rural Reserve

Recorded Documents *Documents scanned and recorded by the Auditor's office*

Excise Affidavits *Document scans of excise affidavits*

Septic System *Septic system information*

Parcel Number	XrefID	Quarter	Section	Township	Range
P128398	350135-1-006-0500	NE	35	35	01

Owner Information

PREDATORS OF THE HEART
6128 PARKSIDE DRIVE
ANACORTES, WA 98221

Site Address(es) .

4709 WELCH LANE
Skagit County, WA *(Jurisdiction, State)*
Zip Code Lookup | Site Address Information

Map Links

Open in iMap
Assessor's Parcel Map:
PDF | DWF | DWG

Current Legal Description Abbreviation Definitions

(10.0000 ac) LOT B OF SKAGIT COUNTY SHORT PLAT NO. PL-06-1121, THE JOHNSON SHORT PLAT, APPROVED MARCH 26, 2009 AND RECORDED MARCH 27, 2009 UNDER AUDITOR'S FILE NO. 200903270122, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING A PORTION OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 1 EAST, WM. SURVEY AF#201312230054

2021 Values for 2022 Taxes*		Sale Information		2022 Property Tax Summary	
Building Market Value	$10,100.00	Deed Type	BARGAIN AND SALE DEED	2022 Taxable Value	$284,300.00
Land Market Value	+$274,200.00	Sale Date	2022-03-02	General Taxes	$2,658.91
Total Market Value	$284,300.00	**Taxable Selling Price**	$420,000.00	Special Assessments/Fees	+$118.00
Assessed Value	$284,300.00	Sale requires NRL disclosure (more info)		**Total Taxes**	$2,776.91
Taxable Value	$284,300.00			Pay Property Taxes Online	

** Effective date of value is January 1 of the assessment year (2021)*

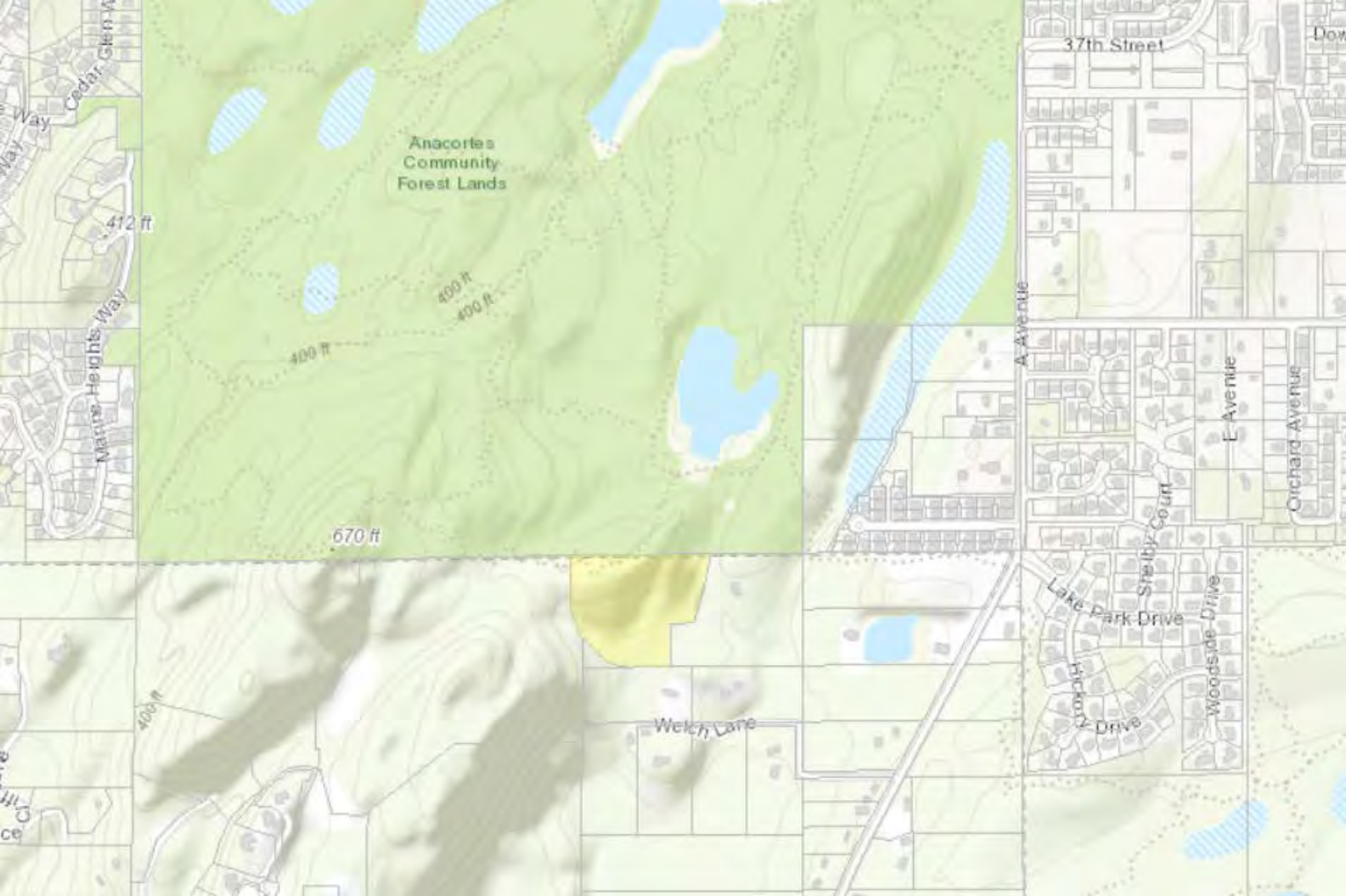
Legal Description at time of Assessment

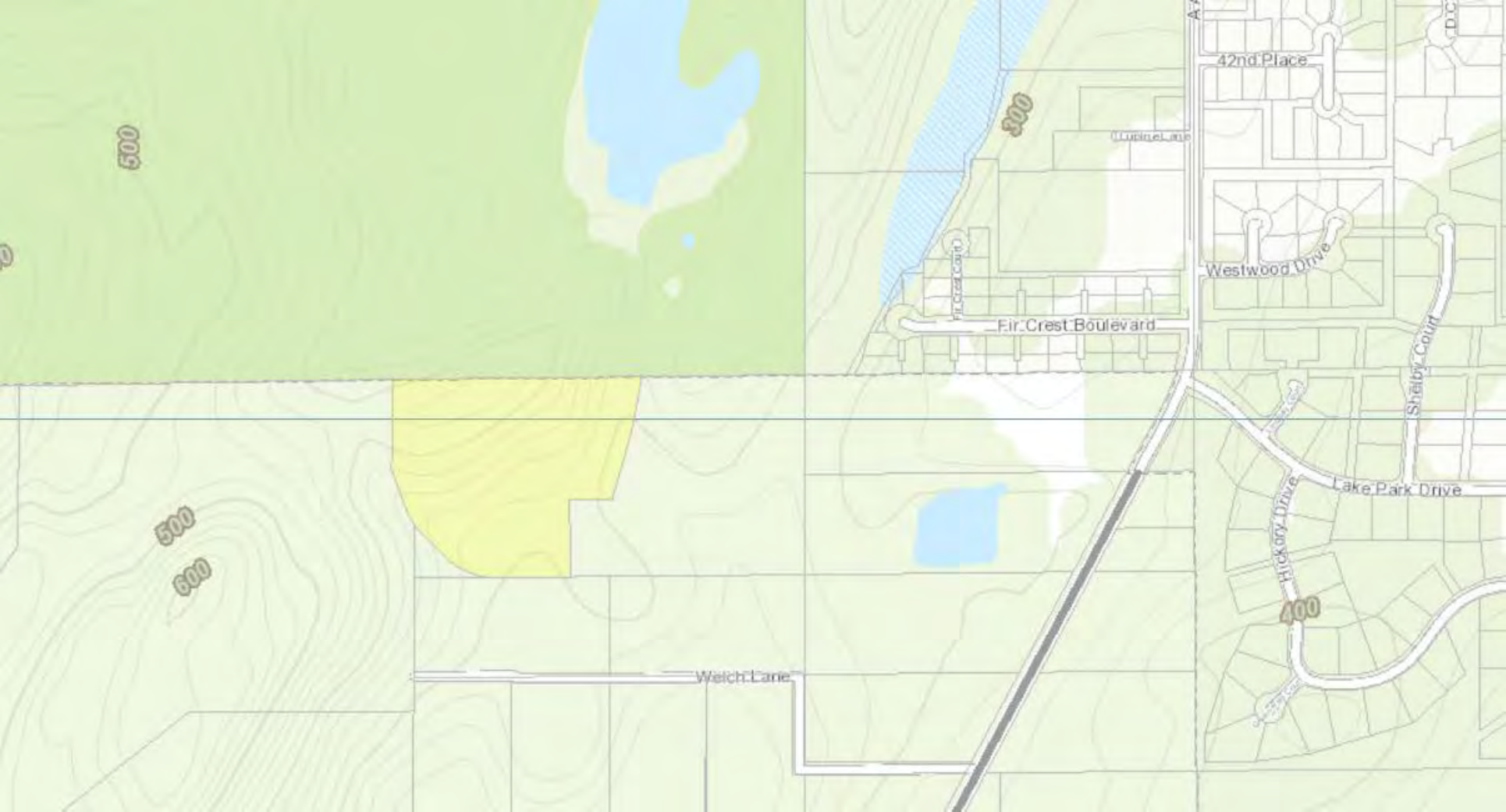
***Assessment Use Code**	(910) UNIMPROVED LAND (Outside city)		WAC 458-53-030
Neighborhood	(20FIDALGO) FIDALGO RESIDENTIAL		
Levy Code	1485	**Fire District**	F11
School District	SD103	**Exemptions**	
Utilities		**Acres**	10.00

Improvement 1 Attributes Summary

Building Style	MISC OUTBUILDINGS		
Year Built	2017	**Foundation**	


Anacortes
Community
Forest
Lands
A Ave
H Ave
41st St
Bryce Dr
Marine Heights Way
Rockridge Pkwy
San Juan Blvd
Havekost Rd
Heart Lake
400 ft
200 ft


Anacortes
Community
Forest Lands
412 ft
400 ft
400 ft
400 ft
670 ft
400 ft
Marine Heights Way
Cedar Glen Way
37th Street
A Avenue
E Avenue
Orchard Avenue
Shelby Court
Lake Park Drive
Hickory Drive
Woodside Drive
Welch Lane


42nd Place
Westwood Drive
Fir Crest Boulevard
Shady Court
Lake Park Drive
Hickory Drive
Welch Lane
500
600
400


ANACORTES
41st Street
42nd Place
Lupine Lane
A Avenue
Westwood Drive
Fir Crest Court
Fir Crest Boulevard
Shelby Court
Lake Park Drive
Hickory Drive
Woodside Drive
Hawkins Road
Welch Lane

EXHIBIT #4

NOTICE OF DEVELOPMENT APPLICATION + LIST OF LANDOWNERS WITHIN 300’

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

NOTICE OF DEVELOPMENT APPLICATION WITH OPTIONAL SEPA DNS:

For: Predators of the Heart

File Number: PL22-0133

Notice is hereby given that on **March 23, 2022**, the applicant applied for a Special Use Permit application to permit an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property. The subject property lies within the Rural Reserve zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps. The subject application was deemed **complete on April 15, 2022.**

Applicant/ Contact: Ashley Carr, 6128 Parkside Drive, Anacortes, Washington 98221

Landowner: Predators of the Heart, 4709 Welch Lane, Anacortes, Washington 98221

Project Location: The subject property is addressed as 4709 Welch Lane, Anacortes, Washington, and is located in a portion of Section 35; Township 35 North; Range 01 East; Willamette Meridian, situated in unincorporated Skagit County, Washington (Parcel #: P128398).

Public Comment Period: Written comments must be received no later than **4:30 PM on May 6, 2022**. Email correspondence **will not be accepted**. However, comments may be submitted via the PDS website under the "recent legal notices" tab. (www.skagitcounty.net/pdscomments).

Required Project Permits/Approvals: The following permits/approvals may be required in addition to the above: Critical Area Review, Commercial Building Permit, etc.

SEPA Review: Based on the submitted application and available information, the County anticipates issuing an MDNS for this proposal and the optional DNS process as specified in WAC 197-11-355 is being utilized. Consequently, this may be the only opportunity to comment on the environmental impacts of this proposal. A copy of the subsequent SEPA threshold determination for the proposal may be obtained upon request.

Existing Environmental Documents: A Special Use Permit application, Environmental checklist, site plan, and other application materials are on file with Skagit County Planning and Development Services. This information is available to the public on request.

Public Hearing: A public hearing before the Skagit County Hearing Examiner will be scheduled in the future in the Board of County Commissioners Hearing Room located at 1800 Continental Place, Mount Vernon, Washington, for the purpose of determining whether the Hearing Examiner should approve, modify and approve or deny the application as soon as all reviews are completed. Public notification of the hearing will be made consistent with Skagit County Code 14.06.150(3).

How to become a party of record: You may become a party of record by submitting written comments, including a (USPS) mailing address, to the Skagit County Planning & Development Services Department

at the address listed below. Any person desiring to express his or her views or to be notified of the action taken on this application should be **in writing** within the fifteen (15) day comment period.

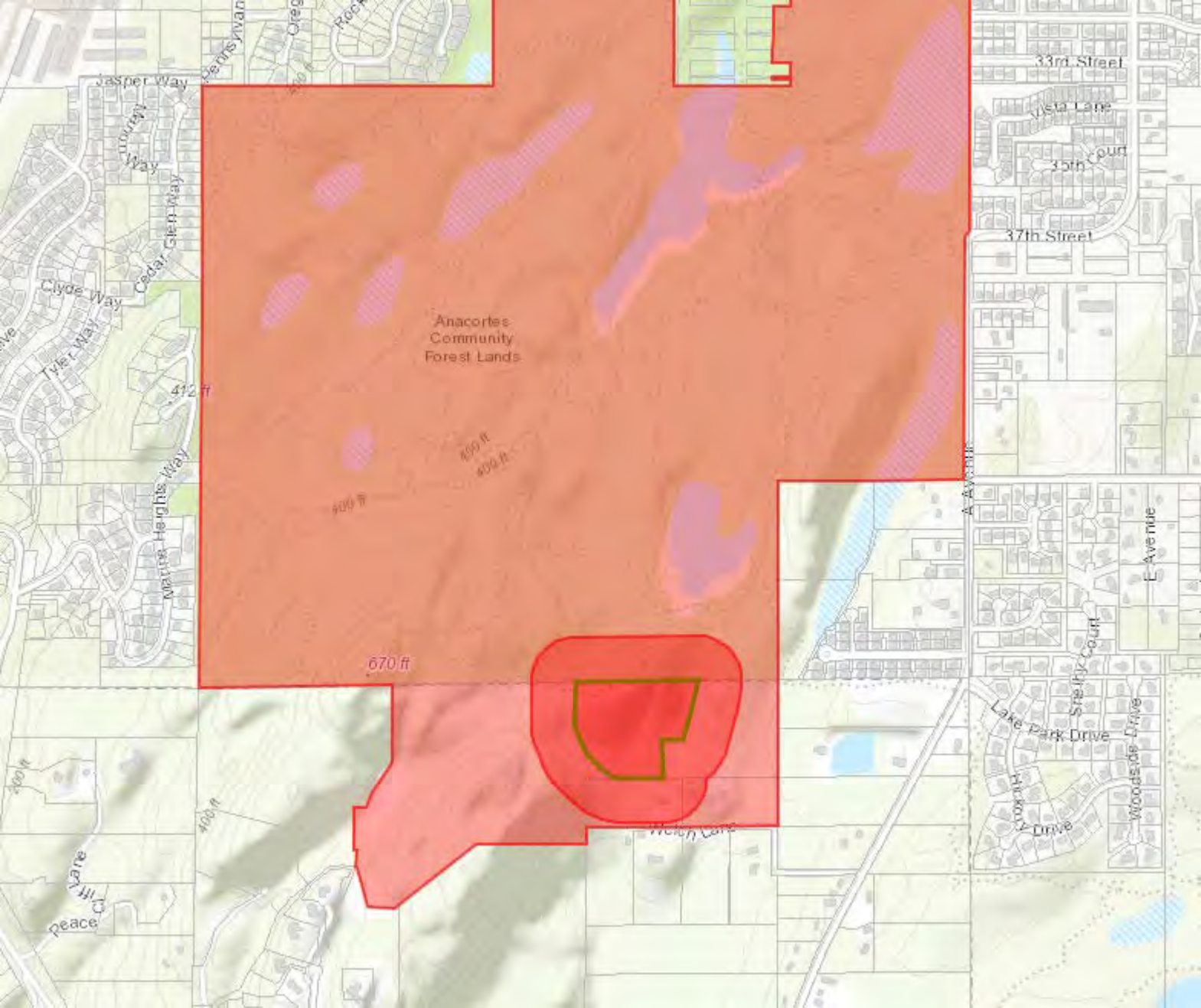
Questions about this proposal, requests to receive future notices of hearings and/or the decision, once made, and/or appeal procedures should be directed to the contact person listed below. The application and complete case file are available for review at the Skagit County Planning & Development Services Department located at 1800 Continental Place, Mount Vernon, WA 98273. A decision on this application will be made within 120 days from the date of completeness.

For Project Information: Kevin Cricchio, AICP, Senior Planner; Phone: (360) 416-1423; Email: kcricchio@co.skagit.wa.us; Skagit County Planning & Development Services, 1800 Continental Place, Mount Vernon, WA 98273

CC: Public Works Department, Fire Marshall, Stormwater Review, Critical Area Review, Water Resources Review, Public Health, NW Clean Air Agency, City of Anacortes, WDOE, WDFW, WDNR, DAHP, WSDOT, Samish Indian Nation, Swinomish Indian Tribal Community, Skagit River Systems Coop, & SEPA Register

Date Transmitted to Skagit Valley Herald & Emailed to Applicant: April 19, 2022

Date Published in Skagit Valley Herald: April 21, 2022



Jasper Way
Pennsylvania
Oregon
Rock
33rd Street
Vista Lane
35th Court
37th Street
Cedar Glen Way
Clyde Way
Tyler Way
Anacortes
Community
Forest Lands
412 ft
400 ft
400 ft
400 ft
Marine Heights Way
A Avenue
E Avenue
670 ft
Shelby Court
Lake Park Drive
Woodside Drive
Hickory Drive
Welch Lane
Peace Cliff Lane

SCHUSSBOOMER HOLDINGS LLC
PO BOX 1420
ANACORTES, WA 98221

SCHUSSBOOMER HOLDINGS LLC
PO BOX 1420
ANACORTES, WA 98221

PREDATORS OF THE HEART
6128 PARKSIDE DRIVE
ANACORTES, WA 98221

CITY OF ANACORTES & WATER DEPT
ACFL PO BOX 547
ANACORTES, WA 98221

JOHNSON RICHARD K & JOHNSON
DIANA M 4665 WELCH LN
ANACORTES, WA 98221

MANSFIELD MAREN L HARRIS
CHRISTOPHER S
ANDERSON SHARON L
4653 WELCH LANE
ANACORTES, WA 98221

BORLIN EDWARD & BORLIN LYNNE A
4577 WELCH LN
ANACORTES, WA 98221

EXHIBIT #5

PUBLIC COMMENTS RECEIVED

- **Public Comments received during Notice of Development Application public comment period**
- **Public Comments received during SEPA comment period**
    - **Public comments received after comment period(s)**

RECEIVED
MAY 09 2022
SKAGIT COUNTY
PDS

May 5, 2022

Regarding file# **PL 22-0133**

Planning and Developmental Services
1800 Continental Place
Mount Vernon, WA 99273

I am submitting public comments regarding Predators of the Heart, also known as Because We Matter Sanctuary, in Anacortes, WA.

There have been multiple incidents in the time I've lived in Anacortes and some have resulted in escaped wolves, or wolf-dog hybrids, attacking and killing pet dogs. Once is more than enough and it should never happen again. The facility borders community forest lands that have public use trails. Everyone from small children to senior hikers, bikers and horse riders use these trails. The most recent incident that I am aware of was the escape of three of the wolves digging their way out of the facility and killing a neighbor's small dog in their front yard. This homeowner also has small children that use that yard.

There are plenty of documented incidents that involve concern for the safety of the community. There is also great concern for the proper safety and care of the animals in the facility. They call themselves a sanctuary but the wolves are bred in the facility. I watched a video shared by the current owner, showing all the cute new wolf pups after the escape incident in October 2021. It seems they may be using some loopholes with the wolf-dog hybrid designation as well as operating their tours through AirBnB. This seems like a tourism industry facility, not a sanctuary. It is odd they have designation as a religious non-profit.

I've read through police reports and inspection reports that are available and I do not understand why this facility has gotten away with as much as they have over the years. I hope that you will take very seriously any requests by this organization. The animals deserve better. At the very, very least, there should be no approvals for expansion. They can't seem to care properly for the animals they already have and I don't believe they are living up to the responsibility an animal sanctuary requires.

Sincerely,
Sarah Meyhoff
3809 Rockridge Pkwy
Anacortes, WA 98221

RECEIVED
MAY 09 2022
SKAGIT COUNTY
PDS

Planning and development services
FOR: Predators of the Heart
File# PL 22-0133
Comments on predators of the heart
1800 Continental Place
Mount Vernon WA 99273

Our family finds it horrible that this facility continues to exist. They have had multiple episodes where their wolves have broken loose and killed nearby pets. We personally feel it as our dog was brutally killed by their wolves. They said it wasn't their fault because our dog was on their property. My father was walking our dog along the Anacortes trails and there was no fence, no sign indicating private property or wild animals. Our dog was killed 5 feet off the public trail, on a connecting trail that evidently was on their land. He would have been killed had he been standing 5 feet further away on the public property. The wolves don't know a property line. It could have been a child, not just a dog. Their record shows they can't control the animals they already have. An expansion would be a reckless action with more risk to the public. The owners of the property claim that they have control of the animals, yet they still get loose. What has to happen before they are finally shut down? Do they need to kill a young child walking the nearby forest land before anyone cares? They have proven they cannot control or contain the animals they have already, expansion would just increase the risk to the public.

David and Meg Mourning
2009 29th Place
Anacortes, WA 98221

From:	JuLee Rudolf
To:	Kevin Cricchio
Subject:	Re: Predators of the Heart (4709 Welch Lane, Anacortes) application for Special Use Permit (PL22-0133) to allow for the operation of an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property.
Date:	Friday, February 10, 2023 10:10:29 AM
Attachments:	image001.png

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Kevin,
Thank you!
JuLee

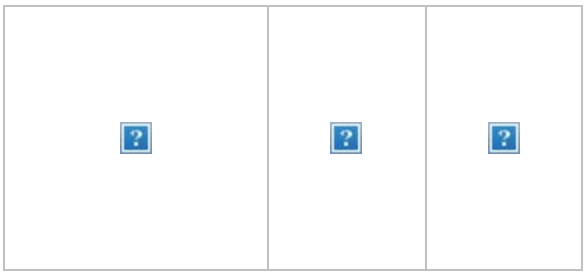
On Fri, Feb 10, 2023, 8:24 AM Kevin Cricchio <kcricchio@co.skagit.wa.us> wrote:

> Hello JuLee. Thanks for emailing me at my work email. I don't use my personal email for anything except personal in nature and don't mix the two.
>
> Most of your questions predate my employment with Skagit County. I have copied Code Enforcement Officer Tom Wenzl on this email should he have answers for you. Thanks.

Kevin Cricchio, AICP, ISA | SENIOR PLANNER

Skagit County Planning & Development Services Department

Phone: (360) 416-1423



Email communications with county employees are public records and may be subject to disclosure, pursuant to Chapter 42.56 RCW

From: JuLee Rudolf <juleerudolf@gmail.com>
Sent: Thursday, February 9, 2023 6:05 PM
To: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Subject: Re: Predators of the Heart (4709 Welch Lane, Anacortes) application for Special Use Permit (PL22-0133) to allow for the operation of an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property.

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Hi Kevin,

Hmm...this was just me using the search terms Kevin Cricchio Skagit Planning Department and seeing this (see attached) pop up. Blame those folks! I was happy to find any email address for you, much less your work one, which, btw, you could have provided in your response :-).

With a little more specific search terms, I found this one. I apologize, but honestly, it would be way more convenient if in addition to your phone number, that you provided your work email address in addition to the phone number and snail mail address. Just saying.

Same question (see above). Thanks for getting back to me. This is becoming curiouser and curiouser.

Sincerely,

JuLee Rudolf

On Thu, Feb 9, 2023 at 5:00 PM Kevin Cricchio <kcricchio@hotmail.com> wrote:

> Hi JuLee. You're emailing my personal email address. Not sure how you got this. You'll need to email me at my work email address. Thank you.
>
> Kevin
>
> > On Feb 9, 2023, at 4:54 PM, JuLee Rudolf <juleerudolf@gmail.com> wrote:
> >
> > Hi Kevin,
> >
> > I don't have a comment on this (and I know the comment period has passed), I'm just a lowly member of the Anacortes community who has been following this and considering writing (let's call it an) article about POTH, which I have done before.
> >
> > https://juleerudolfblog.wordpress.com/2019/10/29/chances-with-wolves/
> >
> > Here is what I am wondering, if, instead of applying for this application, POTH had continued to operate with their current Class C license, would they have been able to do that?
> >
> > Also, I know that before 2015, when Skagit County sued them and then let them be, the county enacted a law that "added wolves, cougars, venomous snakes and foxes to the county's list of prohibited animals." Did the existence of POTH prompt this change in the law, or was it unrelated to the Sanctuary?
> >
> > I understand that several POTH neighbors filed a lawsuit against them, so that's an issue. Again, I'm just wondering what prompted their application for the Special Use Permit. If they would have been able to continue their airbnb visits to the sanctuary (their primary source of revenue), I don't understand why they would file for this

permit.

Thank you for your help.

Sincerely,

JuLee Rudolf

PS Just adding contact info in support of accountability for the fact that I am a human being who lives within the county…

4816 Woodside Drive

Anacortes WA 98221

(360)320-4747

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: Feedback Submission
Date:	Thursday, January 26, 2023 3:20:54 PM

From dept email

From: website <website@co.skagit.wa.us>
Sent: Thursday, January 26, 2023 8:01 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: FW: Feedback Submission

From: feedback@co.skagit.wa.us <feedback@co.skagit.wa.us>
Sent: Thursday, January 26, 2023 7:45 AM
To: website <website@co.skagit.wa.us>
Subject: Feedback Submission

Department : Office of Land Use
Name : Rob Howson
Email : robhowson.rh@gmail.com
Other : Please forward to the appropriate department or official. Are you seriously going to force an animal sanctuary to euthanize the animals it has tried to provide a life for due to a lawsuit(get rich quick scheme) and a frivolous permitting issue. Something about this doesn't make sense. Unfortunately the animals are the ones that will pay the price.

From Host Address: 72.143.202.34

Date and time received: 1/26/2023 7:42:08 AM

PERKINSCOIE

1201 Third Avenue
Suite 4900
Seattle, WA 98101-3099

+1.206.359.8000
+1.206.359.9000
PerkinsCoie.com

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

May 6, 2022

David A. Perez
DPerez@perkinscoie.com
D. +1.206.359.6767
F. +1.206.359.7767

VIA HAND DELIVERY

Kevin Cricchio
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon WA 98273

Re: Written Comment Opposing Special Use Permit Application, Parcel #P128398

Dear Mr. Cricchio:

We are counsel to the following members of the Welch Lane community and neighbors of the subject property, 4709 Welch Lane (the "Property"): Kevin and Jenny Welch, Edward and Lynne Borlin, David and Pamela Knutsen, Nolan and Millicent Berlin, Maren Mansfield, and Chris Harris. On behalf of our clients, we write to oppose the Special Use Permit application for Parcel No. P128398, dated March 23, 2022 (the "Application").

The Application disregards and, in some instances, misrepresents, the serious safety and public health threats posed by the large collection of dangerous animals housed in close vicinity to residential properties. Indeed, since Predators of the Heart ("Predators") has been located at the Property, residents of the Welch Lane community and visitors to the Anacortes Community Forest Lands have faced threats to their safety and well-being resulting from the numerous escapes of wild, dangerous animals (and related killings of family pets), as well as unreasonable levels of noise from Predators' facility. Nor does the Application acknowledge Predators' numerous violations of County and State law (and related *per se* public nuisances), stemming from the housing, breeding, and escape of wild, dangerous animals.

Pursuant to SCC 14.16.900(1)(b)(v), Predators must satisfy certain criteria to secure a Special Use Permit. Because Predators wholly fails to satisfy the vast majority of these criteria, **the Application should be denied.**

a) A wild animal "sanctuary" is incompatible with the neighboring properties because it poses a significant threat to the safety and health of the Welch Lane community.

Predators must show that its proposed use "will be compatible with existing and planned land use," "will not cause potential adverse effects on the general public health, safety, and welfare," and "is not in conflict with the health and safety of the community." SCC 14.16.900(1)(b)(v)(A), (E), (G). Predators falls far short of satisfying its burden on any of these factors. SCC 14.16.900(1)(b)(v) ("The burden of proof shall be on the applicant to provide evidence in support of the application.").

The properties surrounding the Property are residential homes inhabited by families, including children and pets. **Wild, dangerous animals—including several cougars, two dozen wolves or wolf hybrids,[1] alligators, and venomous snakes—are wholly incompatible with the needs and priorities of family homes.** *See* Application at 11 (listing the animals currently housed on the Property, including "3 cougars, . . . 24 wolfdogs, . . . 5 alligators, . . . [and] 1 rattle snake"). The Welch Lane community has not been, and will not be, safe while Predators is allowed to house wild, dangerous animals in close proximity to families.

Perhaps recognizing the significant safety issues, the Application makes egregious misrepresentations concerning past issues at the Property, including animal escapes resulting in law enforcement and legal action. Predators asserts, for example, that it has "had only one escape" since 2001. **That is blatantly false.** A post from December 2017 on the City of Anacortes website describes two escapes: one in February 2012 and another in October 2017.[2] A *Skagit Valley Herald* article from October 2021 describes yet another escape, this time involving three wolves that "attacked and killed a neighbor's dog."[3]

---

[1] Although the Application sometimes describes Predators' animals as "wolfdogs," it also frequently describes them as "wolves." *Compare* Application at 11 ("24 wolfdogs"), *with* Application at 3 ("our wolves"). It is unclear what percentage of Predators' animals are indeed full wolves.

[2] *Warning Signs in Anacortes Community Forest Lands*, City of Anacortes (Dec. 26, 2017), https://cityofanacortes.org/CivicAlerts.aspx?AID=79&ARC=892 (enclosed as Exhibit A).

[3] Jacqueline Allison, *Anacortes Community Forest Lands Trails Back Open after Wolves Captured*, Skagit Valley Herald (Oct. 19, 2021), https://www.goskagit.com/news/local_news/anacortes-community-forest-lands-trails-back-open-after-wolves-captured/article_938b8d04-7d45-5701-a319-687d1e6d67e2.html (enclosed as Exhibit B).

The 2012 escape resulted in the destruction of a City of Anacortes Animal Control vehicle, after Animal Control had to capture the wolf hybrid and "wait[] for Coleburn to arrive." Decl. of Marie Padovan at 11, *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit C; also describing how Mr. Coleburn had called Animal Control and told them he was looking for his "white female German Shepherd Mix"). And these are only the escapes of which law enforcement was made aware. One of our clients has seen wolves running loose on adjacent properties and in the Anacortes Community Forest on at least five separate occasions.

Nor does Predators' proposal indicate that past safety issues will be remedied. Despite the pattern of escapes, Predators' Prevention Safety Protocols does not require employees to notify neighbors *or law enforcement* of the escape of a dangerous animal. Instead, the Application indicates that escapes should be reported to a "Tier 1 [Predators] employee," who should then notify law enforcement only if the animal has left the Property. Application at 25. The only "Tier 1" employees are Ashley Carr (the president of Predators) and Daniel Overman (the vice president). Application at 28. Neither appears to have any education or formal training in wildlife management or dangerous animals, and the Safety Protocols allow someone to be classified as "Tier 1" with just 5 years of "on the job experience." Application at 22. There is also no indication that either of these individuals will always be on the Property to respond to escapes.

Predators also seems to acknowledge the likelihood these dangerous animals *will* escape. Notably, the Application asserts that "escapes are not possible in the evening or morning hours when staff are not on-site. But it does not say the same about the daytime hours, and Predators admits that "escape is a possibility." Application at 8, 22. Only compounding these issues, Predators exhibits a concerning lack of ownership over the one escape they *do* admit to—asserting it was "instigated by a leashless dog." Application at 3. If the presence of a "leashless dog" can cause the escape of a dangerous wolf in a residential neighborhood, Predators is clearly ill-equipped to be housing dozens of wild, dangerous animals in close proximity to families, including children.

Predators' falsifications, standing alone, warrant denying the Application. But even setting aside those misrepresentations, the numerous escapes, lack of accountability, and serious threats to the public's safety and welfare are clear grounds for denying the Application. SCC 14.16.900(1)(b)(v)(A), (E), (G). **Neighbors' pets have been killed as a result of escapes and it is only a matter of time before a human is killed or seriously injured.**

b) The proposed use violates the Skagit County Code.

Nor can Predators establish that "[t]he proposed use complies with the Skagit County Code." SCC 14.16.900(1)(b)(v)(B). **To the contrary, Predators' operation violates numerous County and State laws and regulations.** For example, under SCC 7.04.030, "[a] person may not own, possess, keep, harbor, bring into the County, or have custody of control of any potentially dangerous wild animal." SCC 7.04.030(1); *see also* RCW 16.30.030(1) (substantially the same prohibitions). Potentially dangerous wild animals include wolf hybrids and cougars, SCC 7.04.010, as well as rattlesnakes, alligators, and caimans. RCW 16.30.010(2). Although there are exceptions to those prohibitions, none apply to Predators. *See* SCC 7.04.020; RCW 16.30.020.

***First,* the exception for nonprofit organizations housing animals at the request of the animal control authority is clearly inapplicable.** *See* SCC 7.04.020; RCW 16.30.020(1)(c). The exception covers "humane societies and shelters," which Predators does not (and could not) purport to be. *Id.* Humane societies and animal shelters do not breed animals or offer paid tours to the public; their primary purpose is to rescue and rehome unhoused animals. Although the Application asserts, without any supporting evidence, that Predators has received a handful of animals (unwanted birds, an alligator, and a bobcat) from animal control, that is plainly secondary to its $200-per-person "Wolf Encounters." In all events, the exception applies only to the animals housed at the request of animal control, a limitation which Predators has not (because it cannot) establish applies to the vast majority of its animals. Indeed, Predators admits that "*none* of the wolves housed by [Predators] are rescues. They are all bred for the purpose of wildlife education, and, from a very early age, are exposed to humans to be 'ambassador' wolves." Application at 4 (emphasis added).

***Second,* the exception for persons displaying animals at a fair under RCW 16.30.020(1)(l) does not apply to Predators on the 362 days a year that it does not show its animals at a fair.** *See* SCC 7.04.020 (incorporating fair exception into the County code). Predators asserts that it completes "at least one State fair yearly to comply" with this exception. Application at 11. But the statute does not reference, as POTH suggests, a person owning an animal that he or she occasionally displays at a fair." Rather, it refers to a "person *displaying* animals at a fair," in the present tense. RCW 16.30.020(1)(l) (emphasis added). It applies only to an individual actively displaying an animal at such an event, which, by Predators' own admission, it only does for 2-3 days per year. The Legislature did not intend to allow an organization or individual to house dozens of wild, dangerous animals on a year-round basis so long as they

show animals at a state fair a few times per year.[4] *See City of Yakima v. Godoy*, 174 Wn. App. 1071, *published with modifications at* 175 Wash. App. 233, 305 P.3d 1100 (2013) ("We . . . cannot read a statute in a way that renders unlikely, absurd, or strained results.").

***Third,* Predators is not a wildlife sanctuary under RCW 16.30.010(5).**[5] *See* SCC 7.04.020 (incorporating sanctuary exception into the County code). A wildlife sanctuary is a nonprofit organization that cares for animals defined as potential dangerous but does not conduct any "activity that is not inherent to the animal's nature," "commercial activity involving an animal," "direct contact between the public and an animal," or "breed of animals." RCW 16.30.010(5). As evident in the Application, in which Predators admits to breeding wolves, and on Predators' Airbnb site, which features photos of the paying public interacting directly with the animals, all of these prohibited activities are fundamental to Predators' business model. Predators is not "qualified sanctuary" under County or State law. Application at 4.

In addition to the above violations, **Predators also has violated, and continues to violate various state laws.** For example, Washington law provides, without exception, that a "person *shall not breed a potentially dangerous wild animal*." RCW 16.30.030(2)(a)-(b) (emphasis added). Yet Predators admits that it is breeding wolves and cougars on the Property. Application at 3 ("Our wolves are bred"); Compl. at 2, *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit D; describing one of Predators' cougars as "captive bred").

And this and other violations separately constitute *per se* public nuisances. *See Kitsap Cnty. v. Kitsap Rifle & Revolver Club*, 184 Wn. App. 252, 277, 337 P.3d 328 (2014) (defining a *per se* public nuisance as "an activity that is not permissible under any circumstances, such as an activity forbidden by statute or ordinance" (emphasis added)); *see, e.g.*, RCW 16.30.010, .030(1) (barring possession of potentially dangerous wild animals, including wolves, tigers, alligators, and various venomous snakes); SCC 7.04.030, .060 (same, and deeming violations a public nuisance); RCW 16.30.030(2) (prohibiting the breeding of potentially dangerous wild animals); WAC 220-450-030(11)(a) (deeming escaped wildlife a public nuisance); RCW 7.48.140, (1) (deeming

[4] Predators does not specify what it means by "completes one State fair," including how many animals it takes to these fairs, if any, or if any of those animals are even the potentially dangerous types prohibited under the law.

[5] Although the Application does not reference this exception, Predators has attempted to do so in the past. *See, e.g.*, Mot. for Summ. J. at 2, *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit E).

deposited animal carcasses a public nuisance); WAC 173-60-040 (setting forth impermissible noise levels); SCC 9.50.040 (same).

In sum, Predators' actions are in flagrant violation of both County and State law. The Application should therefore be denied. *See* SCC 14.16.900(1)(b)(v)(B).

c) Predators already creates and will continue to create undue noise and odor for the surrounding dwelling units.

The proposed use must "not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840." SCC 14.16.900(1)(b)(v)(C). In response, Predators asserts that "there have been no noise, odor, heat, vibration, air or water pollution complaints" since 2001. Application at 7. *That is wholly untrue.* Not only have there been unofficial complaints, but Predators was sued by this County in 2015 for violating Washington and Skagit County law. *See* Compl., *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit D; seeking civil damages, injunctive relief, and permission to seize the animals).

In its court papers, the County explained that "[n]eighbors have found pieces of raw meat and processed lunchmeats lying around the neighborhood," citing declarations from residents of the Welch Lane community. Mot. for Summ. J. at 8, *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit E). Citing those same declarations, the County also described "[t]he noises from the wolves, cougars, and scavenging birds [as] neighborhood irritants." *Id.* At the time of the 2015 lawsuit, Predators housed fewer than 20 "wolves and/or wolf hybrids" on the Property—according to the Application, there are now 24 "wolfdogs." *See* Compl. at 3; Application at 11. The disturbances have undoubtedly increased with Predators' growing animal population.

The odor from spoiled, discarded raw meat and the howls and screeches of wolves and cougars (far from "exceedingly quiet," Application at 6), have created, and/or continue to create, significant disturbance for the residents of the Welch Lane area. **Contrary to Predators' representations, neighbors have complained on multiple occasions to Predators' staff and County officials about these ongoing concerns.** Even setting aside Predators' striking omissions (in particular, the filing of lawsuit by the County over the very issues covered by the Application), the "undue noise" in particular unreasonably interferes with neighbors' enjoyment of their land. *See* RCW 7.48.130 ("A public nuisance is one which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal."); *see also, e.g.*,

Kitsap Cnty. v. Kitsap Rifle & Revolver Club, 184 Wn. App. 252, 279, 337 P.3d 328 (2014) (holding that shooting activities constituted a public nuisance in fact based on noise and safety issues).

d) Predators and its frequent paid tours generate and will continue to generate intrusions on the privacy of surrounding uses.

The proposed use will also "generate intrusions on privacy of surrounding uses," in violation of SCC 14.16.900(1)(b)(v)(D). Predators sells "Wolf Encounters" through Airbnb for $200 per person.[6] These tours run six days a week, multiple times per day, and can include up to ten guests per tour. The traffic from these tours causes undue stress on a rural road, bringing carloads of tourists into a rural residential area, adjacent to undeveloped forestland. The unreasonable intrusion on the residents' privacy is evident from the convoluted directions Predators provides to its customers and outlines in the Application. *See* Application at 9 (describing neighbor's "beautiful gate," and instructing customers "PLEASE DO NOT RING THE BELL ON THIS GATE!!!"). This instruction likely stems from the ongoing issue of individuals coming onto neighbors' property looking for Predators, something that occurs several times per week.

Given the nature of the rural road and community, Welch Lane is not well-suited to directing commercial traffic, resulting in repeated trespasses on residents' private property. *See* SCC 14.16.900(1)(b)(v)(D).

* * * *

Numerous assertions in the Application are false, or at least highly misleading. Predators' request for a special use permit should be rejected on that ground alone. Regardless, Predators has not satisfied its burden under SCC 14.16.900(1)(b)(v). Predators houses and breeds dozens of dangerous, wild animals in a residential neighborhood in violation of various County and State laws. Housing those animals, particularly in light of the pattern of wolf escapes, **poses a serious safety risk to our clients, other members of the Welch Lane neighborhood, and visitors to the neighboring forestland**. The County should deny Predators' Application.

[6] Airbnb, *Howling with Ambassadors*, *available at* https://www.airbnb.com/experiences/47240.

Sincerely,



David A. Perez

Enclosures

cc: Alison R. Caditz, Perkins Coie LLP
Hannah Parman, Perkins Coie LLP
Kevin & Jenny Welch
Edward & Lynne Borlin
David & Pamela Knutsen
Nolan & Millicent Berlin
Maren Mansfield & Chris Harris

EXHIBIT A

The original item was published from 12/26/2017 3:37:33 PM to 1/3/2020 2:29:17 PM.

What's Happening in Parks & Recreation

Posted on: December 26, 2017

[ARCHIVED] Warning signs in Anacortes Community Forest Lands

FOR IMMEDIATE RELEASE

December 26, 2017 - Anacortes, WA - The City of Anacortes has posted Warning signs on four trails in the Community Forest Lands to alert trail users that there is a wild animal refuge in unincorporated Skagit County. The trails with the signs are in the southern end of the Little Cranberry area. According to two police reports, in February 2012, a wolf from the refuge was captured in the ACFL. In October of 2017, a wolf escaped an enclosure and went on to private land adjacent to the animal refuge.
The signs read as follows:

Warning. There is a wild animal refuge in unincorporated Skagit County adjacent to the Anacortes Community Forest Lands. In the past, wolves have escaped their enclosure on to neighboring properties and the ACFL. Please stay on ACFL trails and use caution when walking with children and dogs. If you encounter a threatening situation call 911 immediately. Call ACFL staff at 360-299-1953 with questions.

Tools

RSS

Notify Me®

Categories

- All Categories
- Front Page
- What's Happening in Parks & Recreation
- Public Works
- Senior Activity Center
- Planning, Community, & Economic Development
- Public Land Use Notices
- Public Works - Solid Waste

Select Language

Jonn Lunsford

Parks and Recreation
jonnl@cityofanacortes.org
360-299-1953
P.O. Box 547
Anacortes, WA 98221

Other News in What's Happening in Parks & Recreation



98221 Studio Gallery-CALL TO ARTISTS
Posted on: April 18, 2022

Washington Park Restrooms
Posted on: February 7, 2022

Never miss an update! Sign up to stay connected
Posted on: January 5, 2022

Sign up for e-updates

eBikes in the ACFL-comments received by 2/24
Posted on: February 28, 2022

E-bikes in the ACFL-February 23rd Update
Posted on: February 25, 2022

E-bikes in the ACFL-New Comments 02/09/2022
Posted on: February 10, 2022

E-bikes in the ACFL-February 2nd Update
Posted on: February 2, 2022

E-bikes in the ACFL-January 26th Update
Posted on: January 26, 2022

E-bikes in the ACFL-New comments
Posted on: January 19, 2022

E-bikes in the ACFL
Posted on: January 14, 2022

Select Language

EXHIBIT B

https://www.goskagit.com/news/local_news/anacortes-community-forest-lands-trails-back-open-after-wolves-captured/article_938b8d04-7d45-5701-a319-687d1e6d67e2.html

Anacortes Community Forest Lands trails back open after wolves captured

By JACQUELINE ALLISON @Jacqueline_SVH
Oct 19, 2021



In this February 2018 photo, the city of Anacortes had signs posted and a natural barrier constructed where city trails meet Predators of the Heart property.

Skagit Publishing file photo

*UDPATED, 3 p.m.

The Anacortes Community Forest Lands trails reopened on early Tuesday afternoon after three wolves that had escaped their enclosure at a neighboring wildlife refuge were captured.

While on the loose, the wolf-dog hybrids attacked and killed a neighbor's dog, the Skagit County Sheriff's Office said in a Tuesday afternoon news release.

No people were injured.

The Sheriff's Office Animal Control unit located the wolves and returned them to their facility, the news release states. Chief Criminal Deputy Tobin Meyer said the wolves were on the loose for less than 30 minutes before they were captured by Animal Control.

The wildlife sanctuary, called Predators of the Heart, abuts the Little Cranberry Lake area of the community forest lands.

The sheriff's office, which has jurisdiction over the wildlife refuge property, alerted the city of Anacortes to the wolves' escape on Tuesday morning. As a precaution, the city temporarily closed forest land trails until the wolves were contained.

Predators of the Heart did not immediately respond to request for comment on Tuesday.

In September 2017, two leashed wolves broke away and killed the dog of a hiker in the Little Cranberry Lake area who had mistakenly walked onto wildlife refuge property, the Anacortes American reported in February 2018.

The incident prompted the city to install signs and try to clarify the trail boundary between the forest lands and the wildlife refuge property.

In October 2017, a wolf jumped a 7-foot electric fence and went onto a neighbor's property, according to sheriff's office reports. In 2012, a wolf escaped its enclosure and was captured in the forest lands.

Predators of the Heart, a registered nonprofit, houses exotic animals including wolves, cougars, bobcats, birds of prey and other species on 10 acres, and aims to educate the public about wildlife, according to its website.

The nonprofit offers a popular Airbnb experience that invites guests to meet its "wolf ambassadors" and other animals.

Skagit County previously filed a lawsuit against Predators of the Heart for failing to comply with a 2014 ordinance regulating potentially dangerous animals. The county later dropped the lawsuit, after finding a state exemption that permits the exhibition of potentially dangerous wild animals at state fairs.

— Reporter Jacqueline Allison: jallison@skagitpublishing.com, 360-416-2145, Twitter: @Jacqueline_SVH

Jacqueline Allison

EXHIBIT C

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA
2015 NOV 18 AM 11:26

IN THE SUPERIOR COURT
FOR SKAGIT COUNTY, WASHINGTON

SKAGIT COUNTY, a municipal corporation of the State of Washington, Plaintiff, vs. WILLIAM COLEBURN, DENISE COLEBURN, husband and wife, and PREDATORS OF THE HEART, a Washington non-profit Corporation, Defendants.	NO. 15-2-00509-2 DECLARATION OF MARIE PADOVAN

Marie Padovan declares:

I am over the age of 18 years and competent to testify regarding the matters asserted herein. I worked as the animal control officer for the City of Anacortes between 1978 and 2013. I was responsible for conducting investigations related to animal control, making and documenting reports, and issuing citations.

I make the following declaration based upon my own personal knowledge.

I am familiar with different breeds of dogs and wolves, including wolf hybrids. On February 9, 2012, I responded to a report of an animal running loose in the city. The animal, a wolf-hybrid, belonged to William Coleburn, who asked me to deliver the animal to his property

PROSECUTING ATTORNEY
OF SKAGIT COUNTY
605 South Third Street
Mt. Vernon, Washington 98273
360-336-9460

at 4709 Welch Lane, which is located just outside of Anacortes, Washington in Skagit County, because he "did not want his vehicle torn up." I know William Coleburn from several contacts during my career as an animal control officer.

The following documents, which are attached to this declaration, are true and accurate copy of official records that I prepared:

(1) Anacortes Police Report for incident no. 12-A00903.

(2) Ten photographs of damage caused to the city's animal control vehicle by William Coleburn's captured wolf-hybird.

(3) Certification for Probable Cause.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Dated this 16th day of November, 2015 at Anacortes, Washington.

Marie Padovan

MARIE PADOVAN

PROSECUTING ATTORNEY
OF SKAGIT COUNTY
605 South Third Street
Mt. Vernon, Washington 98273
360-336-9460

Incident #: 12-A00903

LAW INCIDENT:

Nature: ANIMAL PROBLEM Address: HEART LAKE RD; near the parking lot
Location: APD AREA- 31 City: ANACORTES ST: WA Zip: 98221

Offense Codes: ANPR
Received By: PARKER B How Received: 911 CALL Agency: APD
Rspndg Officers: PADOVAN M DOTZAUER T FLOYD D
Rspnsbl Officer: PADOVAN M Disposition: Cleared Adult Arres on 01/29/13
When Reported: 10:22:27 02/09/12
Occurred: Between 10:20:20 02/09/12 and 10:20:34 02/09/12

Assigned_To	Detail	Date_Assigned	Status	Status_Date	Due_Date
		//**		**/**/**	**/**/**

Case History:

Radiolog:

Unit: D20 Enroute: 11:03:44 02/09/12 Arrived: 11:14:55 02/09/12
Completed: 11:48:46 02/09/12

Unit: D26 Enroute: 10:52:58 02/09/12 Arrived: 10:55:33 02/09/12
Completed: 11:48:46 02/09/12

Unit: D39 Enroute: 10:24:05 02/09/12 Arrived: 10:40:08 02/09/12
Completed: 12:25:18 02/09/12

Attachment 1

Incident #: 12-A00903

INVOLVEMENTS:

Type	Record #	Date	Relationship
dsmain	5895	03/04/13	RELEASED 02-25-13
dsmain	6670	06/21/13	RELEASED 06-21-13/KI
dsmain	7291	10/11/13	RELEASED 10-10-13/KI
prmain	427339	02/13/12	EVIDENCE PROCESSED
inmisc	103778	01/29/13	UPDATED 02-21-13/MED
nmmain	138030	02/14/12	SUSPECT/CHGD
nmmain	127738	02/14/12	Complainant
jmmain	AC0014383	02/21/13	Arrest/Offense
cdcall	C12012575	02/09/12	Initiating Call

Incident #: 12-A00903

REPORTEES:

NAME: OLSEN, STEVEN H. Name Number: 127738
Race: W Sex: M DOB: 09/03/50
Address: 1501 20TH ST, ANACORTES, WA 98221
Home Phone: (360)293-8113 Work Phone: ( ) -

Incident #: 12-A00903

SUSPECTS:

NAME: COLEBURN, WILLIAM D. Name Number: 138030
Race: W Sex: M DOB: 03/14/56 Height: 6'00" Weight: 210 Hair: BRO Eyes: BLU
Address: 6128 PARK SIDE DR, ANACORTES, WA 98221
Home Telephone: (360)293-7396 Work Telephone: ( ) -

Incident #: 12-A00903

ARRESTEE

NAME: VOID Name Number: VOID
Race: Sex: F DOB: 01/01/01 Height: ' " Weight: 0 Hair: Eyes:
Address: , ,
Home Telephone: ( ) - Work Telephone: ( ) -

ARREST Date: 16:00:00 02/20/13
Type: CITE AND RELEASE
Disp: Handled Within Department
Judicial Age Status: A

Agency: ANACORTES POLICE DEPT
Arresting Officer: PADOVAN M
Location: FOREST LAND 304

OFFENSE: Animal Problem
Statute: ANIMAL PROBLEMS
Class: MISD
Location: FOREST LAND 304

Time/Date: 10:24:00 02/09/12
Type: MUNICIPAL ORDINANCE
Court: ANACORTES MUNI COURT
Law: ANACORTES

Incident #: 12-A00903

PROPERTY INFORMATION:

Item Type: CD
Item/Brand: PHOTO
Serial Number:
Characteristics:
Quantity: Meas:
Owner ID Number:

Property Number: 427339
Model: OFFICER
Color: /
Total Value: 0.00

Incident #: 12-A00903

NARRATIVE:

Incident #: 12-A00903

ACO M.PADOVAN 02-10-12 12-A00903/ANIMAL PROBLEM

3) ADDITIONAL SUSPECTS
White Wolf Female owned by Dave Coleburn, which got loose from his compound at 4665 Welch Lane.

6) PHYSICAL EVIDENCE
Anacortes Police Evidence/Property log E-6517 which is the photo card of the damage to the City of Anacortes vehicle.

Email sent from dispatch to ACO Emily Diaz on Thursday, 02-09-2012 in regards to Deputy Sonnabend contacting Dave Coleburn.

9) PROPERTY DAMAGE
Canopy belonging to Animal Control truck #114 was damaged, as the Wolf which had been place in it ripped the liner off as well as the screens which where on the windows and then knocked the interior light/brake light off. Estimated cost of damage to repair $300.00. Pictures where taken of damage, see Evidence form #E-E6517.

5 (6 foot) rope slip lead where also chewed up. These leads cost $12.99 each.

A City of Anacortes equipment/property damage report was filed with the City.

11) NARRATIVE
This Officer was dispatched to a complaint of a big white dog which may have been hurt, loose in the Heart Lake area.
As I got near the area, I was stopped by a City of Anacortes worker and advised that a big white dog had just been seen on trial 304. This trail is inside the City of Anacortes limits.

Upon arrival at this trail head, thinking that there might be an injured dog I used my own personal dog (Ryder) to track it. We were quite a distance into the woods when Ryder alerted and I saw that there was a White animal watching us. As I looked at this animal I realized that this was not a dog but a wolf. I then started walking towards it and it stood its ground and had its head lowered and tail down. I did not like the stare I was getting from it and then it started to come towards us. I at that time saw that my dog was alerting to and heard the Wolf give a little growl. I then called Officer Dotzauer and asked if he could head back as I felt that this animal was starting to become aggressive. This wolf was also starting to circle us.

At the time Office Dotzauer had joined me on the trail, I let my dog greet the wolf. All this time my dog was on leash and close to me and this is how I was able to get a leash on the wolf. Once the wolf was caught it reacted by trying to bite the leash but I was able to get it to stop by having my dog get closer to her.

Officer Dotzauer then took the leash which was on the wolf and it followed my dog out of the woods to the trail head and our vehicles.

It is at that time that I put another leash on it and this is when it started fighting us and biting both leashes. Officer Floyd arrived at this time and I had him get the lunge pole out of the city truck as the Wolf was biting through the leashes. I then got out my ramp and both Officers made the Wolf walk up the

Incident #: 12-A00903

ramp into the city vehicle. We had to bungee the canopy lid down as the Wolf was throwing itself against it. The Wolf was able to also get the lunge pole off of it. It then ripped the screen off of the drivers side of the canopy and started to get the window to open, at which time I grabbed it by the nose and pushed it back in. It then did the same thing to the passenger side of the canopy.

I phoned Dr. Anderson and advised him that I was bringing in what I thought was a Wolf and that it was tearing up my canopy and we would somehow have to tranquilize it.

Once we arrived at the pound Dr. Anderson met us out back and agreed with me that this was a Wolf and he really did not want this in the pound. Both of us then thought that this maybe is one of Coleburn's Wolves.

Dr. Anderson was able to get Coleburn on the phone and he told him it was one of his, and that he would be on his way.

While waiting for Coleburn to arrive the Wolf started ripping up more of the canopy and wiring, as well as some equipment which was in the back. I then got my dog back out of the front of the truck and the Wolf started to focus on him and as long as she could see my dog she stopped attacking the canopy.

When Coleburn arrived he opened the back of the city truck and the Wolf calmed down. He lifted her out and was going to put her in his van but then asked if I could transport it back to the compound as he was afraid his van would look like the city's vehicle.

I did take the Wolf back. The Wolf was put in a covered run and Coleburn showed me the 7 foot fences that she went over to get out. I did notice that none of the dog runs where the Wolves (17 total) are kept have any tops on them. This does concern me.

Coleburn was told that he will have to pay for the damage done to my vehicle and equipment. He said to send him the bill.

Coleburn told us that he did call into the county and advise them that one of his wolves got out. I phoned Skagit County ACO Emily Diaz to see if this was true and ask if it was why my department wasn't notified.

Diaz sent me a copy of the email she had received from dispatch in regards to Deputy Sonnabend responded to a suspicious call and it turned out to be Coleburn looking for his white female German Shepherd mix. So Coleburn did not call this in and also referred to the Wolf as a Shepherd mix. (Attached copy of the email sent to Diaz from Dispatch)

I do feel that Coleburn should be issued a citation for this Wolf escaping, which according to the City of Anacortes exotic animal law 6.38.090 (A) an exotic animal shall not be allowed to run at large. And whoever violates this section shall be guilty of a crime.

I have emailed the City of Anacortes Prosecutor, Craig Cammock for advice as to what charges should be brought up for Coleburn.

OFFICER M PADOVAN D39 #0011///med Tue Feb 14 13:38:41 PST 2012

Incident #: 12-A00903

Incident #: 12-A00903

SUPPLEMENTAL NARRATIVE:

Name: DODGE M Date: 11:09:40 01/29/13

OFFICER M PADOVAN 01-29-13 12-A00903/ANIMAL PROBLEM

FOLLOW UP

I discovered recently that a citation was never issued in the case.

Therefore I have issued Mr. Coleburn non-traffic infraction AI0018471 for his wolf running loose in the City of Anacortes forest lands 02-09-12.

I also do not see where Coleburn was given a bill in regards to the City of Anacortes Animal Control truck being damaged by his Wolf.

In speaking with the City Shop the cost to repair this truck was $242.69.

I request that this infraction be referred to City Prosecutor Craig Cammock.

OFFICER M PADOVAN D39 #0011///med Tue Jan 29 11:11:24 PST 2013

Incident #: 12-A00903

SUPPLEMENTAL NARRATIVE:

Name: DODGE M Date: 11:52:33 02/21/13

OFFICER M PADOVAN 02-20-13 12-A00903 ANIMAL PROBLEM

FOLLOW UP

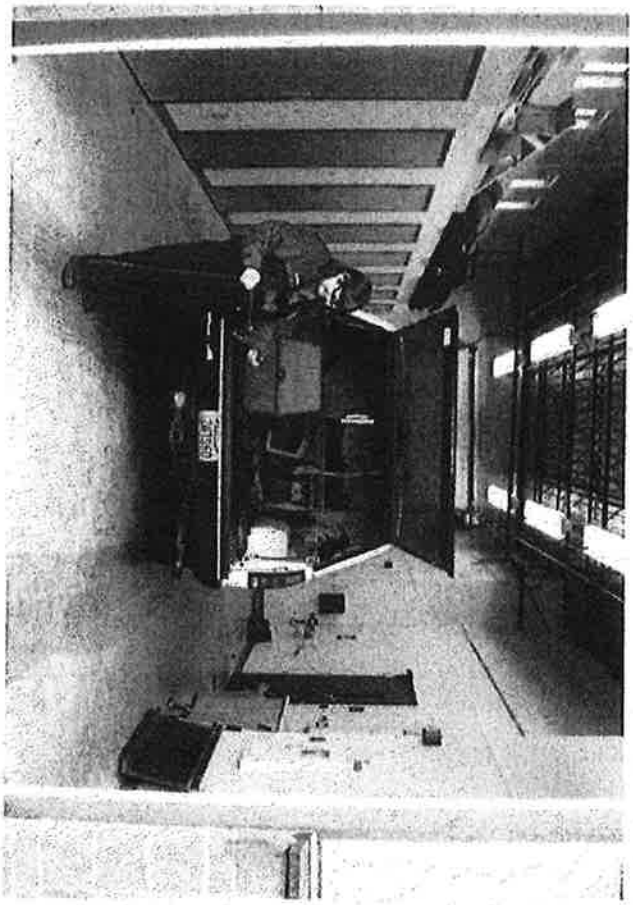
I had issued Non-traffic citation AI0018471 to Mr. Coleburn for his exotic animal running loose in the Forest Lands.

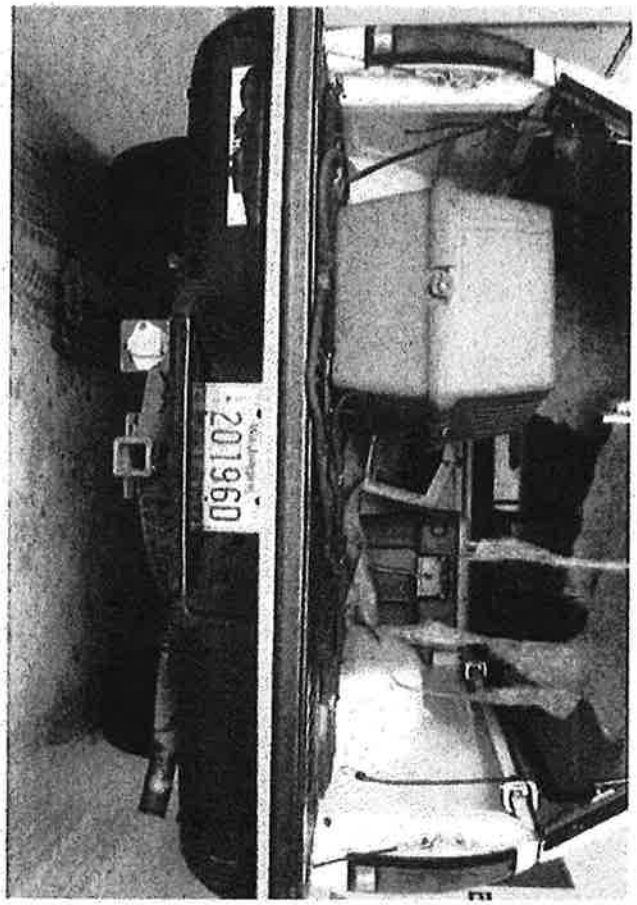
I was advised by City of Anacortes Prosecutor, Craig Cammock that this is a criminal offense and that I was to issue a Criminal citation.

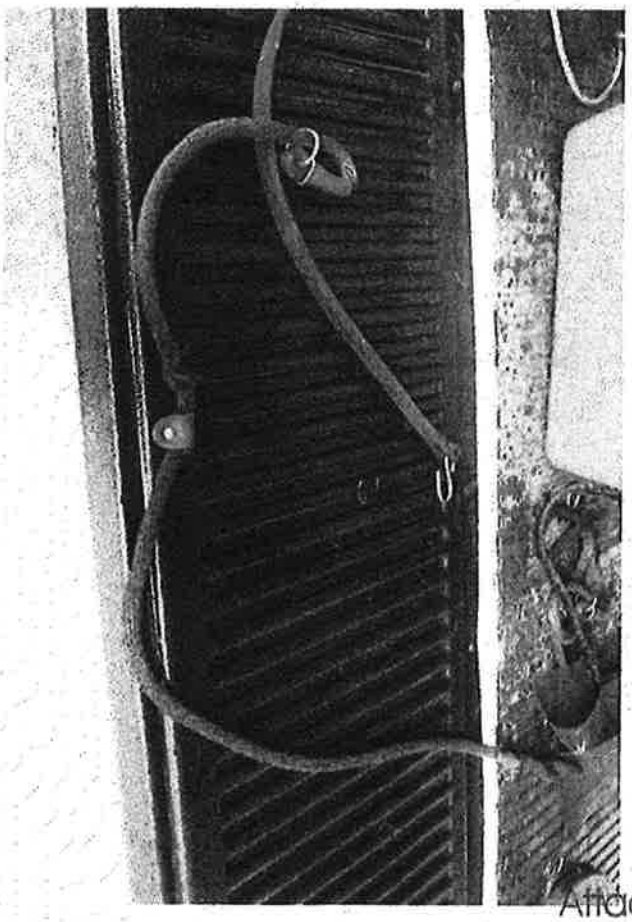
I have issued Criminal non-traffic citation AC0014383 to Coleburn with a mandatory court appearance which will be referred to the Prosecutor.

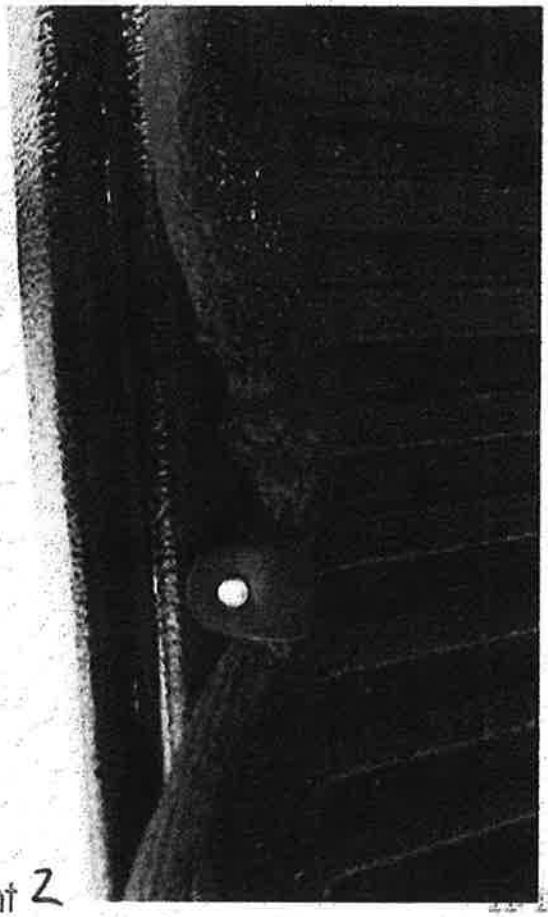
I have requested that records Supervisor, Christine O'Leary void out the non-traffic citation which I had issued to Coleburn.

OFFICER M PADOVAN D39 #0011///med Thu Feb 21 11:52:44 PST 2013

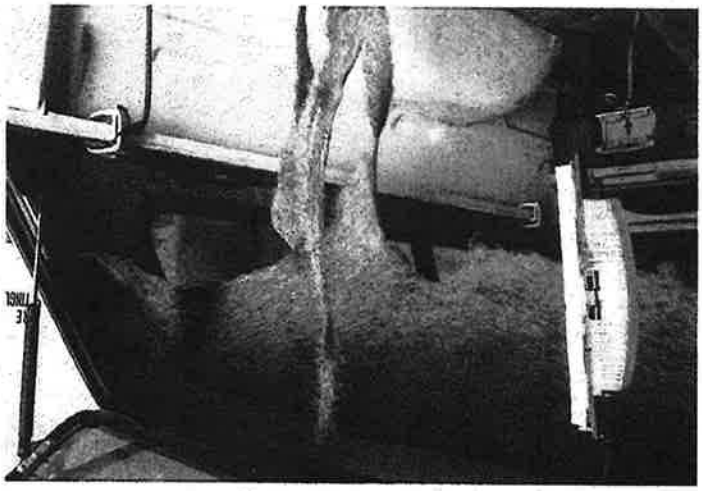


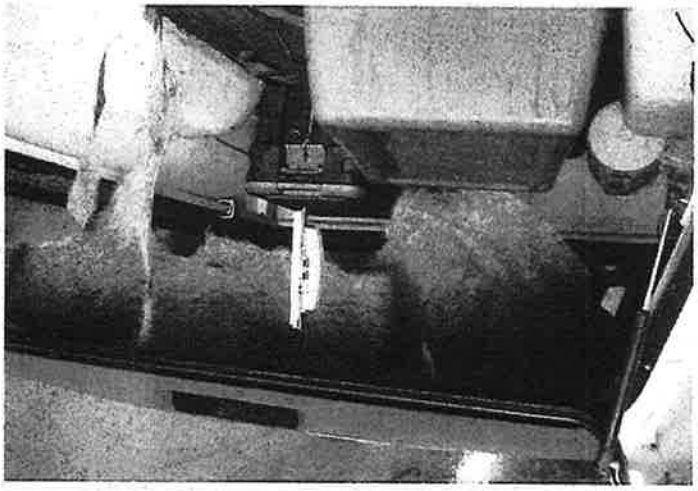


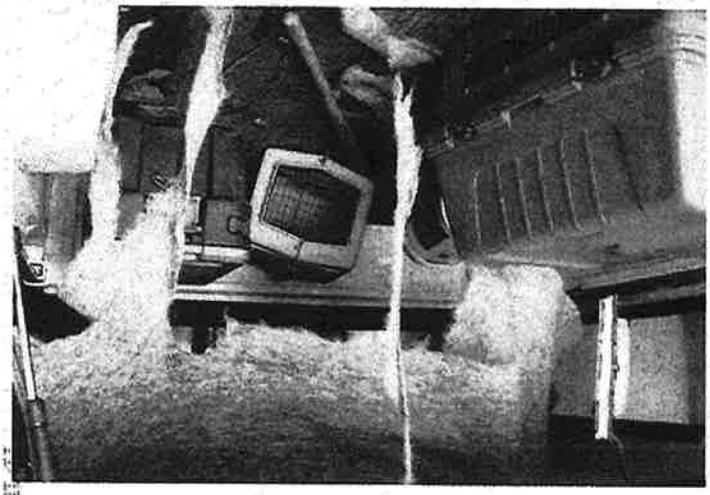


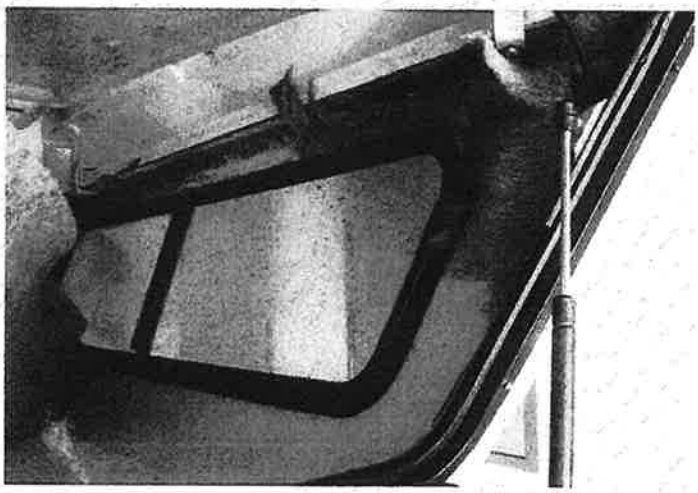


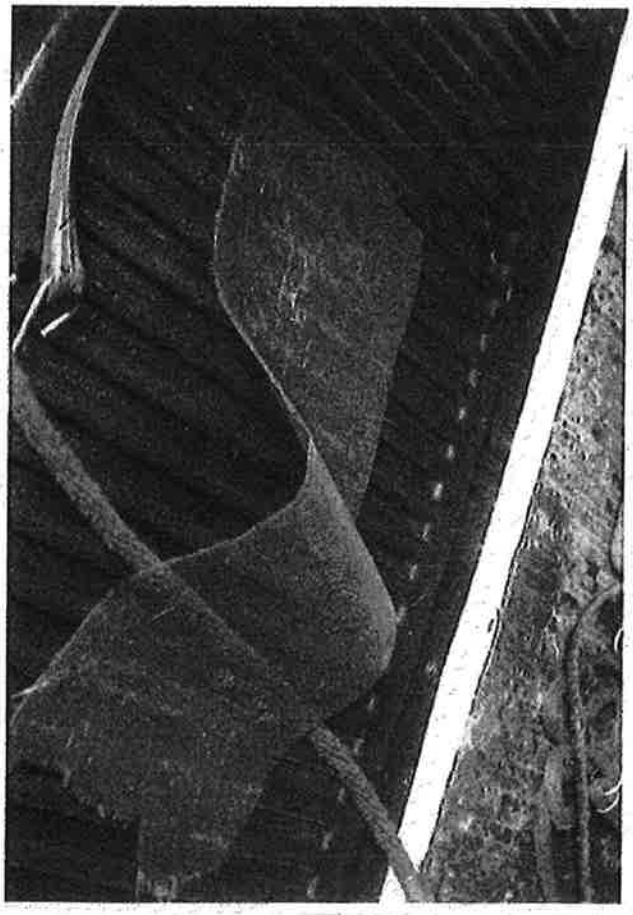
Attachment 2

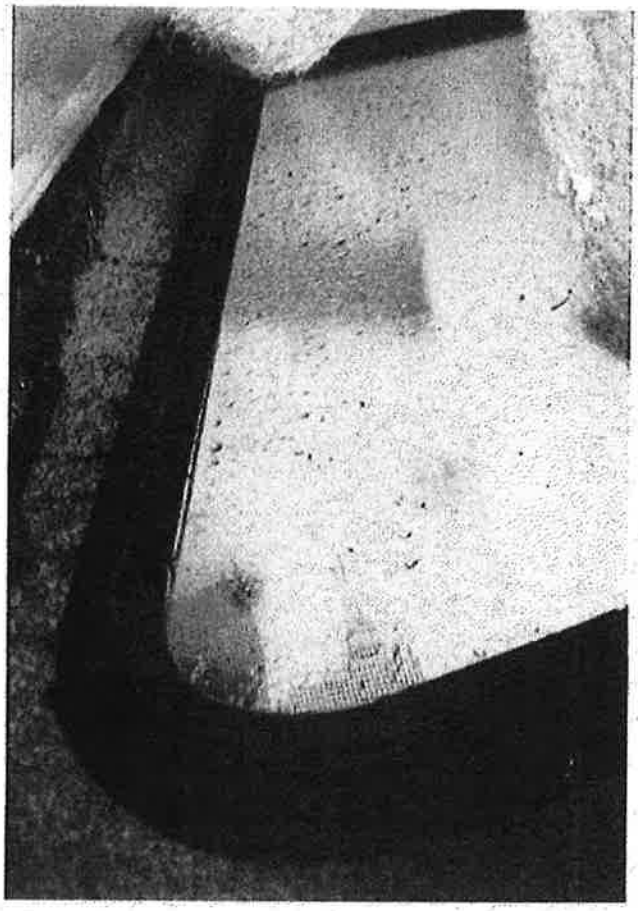












CERTIFICATION FOR PROBABLE CAUSE

AGENCY:	Anacortes Police Department	DATE:	02-20-13
CASE NO.:	12-A00903	OFFICER	M. Padovan
ARRESTEE:	William Coleburn	DOB	03-14-56
ALIAS:		SID:	
ADDRESS:	6128 Parkside Dr	Phone	

I, M. Padovan , am a law enforcement officer with the Anacortes Police Department. Based upon the following narrative, there is probable cause to believe the person arrested and named above has committed the following crime(s): Allowing Exotic Animal to Escape and run loose in the Anacortes Forest Lands trial 304

On 02-09-12, I received a complaint of dog running loose in the forest lands on trial 304. I did walk this trial and found a white wolf running loose. I had tracked this dog with my dog "Ryder" which was on leash. I had to call for another Officer as I realized that this was a wolf. That I was dealing with.

We were able to get a leash on this animal and it followed my dog out of the woods. Once out of the woods we put another leash on this animal and it went wild and then it took 3 Officers to get it in the back of the ACO vehicle. While in the back of ACO vehicle this animal tore the canopy apart and destroyed the interior as well as leashes and wiring for this vehicle..

I took this animal to pound but DR. Anderson would not take it do to it being a wolf and he said to contact Coleburn as this looked like one of his. I did do this and Mr. Coleburn did meet us Officers behind the pound and said that this was one of his and that it had gotten out the night before. Coleburn asked if I could take this animal out to his compound as he did not want his vehicle torn up. I did do this and released this animal to Coleburn.

I CERTIFY, under penalty of perjury, of the laws of the State of Washington that the foregoing is true and correct. Signed and dated this 20th day of February, 2013, at Anacortes, Washington.

M. Padovan D39 — (Signature)

02/20/13 — Date

Attachment 3

EXHIBIT D

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2015 APR -9 PM 1:39

IN THE SUPERIOR COURT
FOR SKAGIT COUNTY, WASHINGTON

SKAGIT COUNTY, a municipal corporation of the State of Washington, Plaintiff, vs. WILLIAM COLEBURN, DENISE COLEBURN, husband and wife, and PREDATORS OF THE HEART, a Washington non-profit Corporation, Defendants.	15 2 00509 2 NO. COMPLAINT FOR INJUNCTIVE RELIEF, TO ABATE A NUISANCE, AND TO IMPOSE A CIVIL PENALTY

8

COMES NOW the plaintiff, Skagit County, and for its causes of action alleges as follows:

I. JURISDICTION AND VENUE

1.1. This is an action for injunctive relief, to abate a nuisance, and to impose a civil penalty. The court has jurisdiction over this action under RCW 2.08.010, SCC 7.04.060(2), and RCW 16.30.060.

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OF SKAGIT COUNTY
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360-336-9460

ORIGINAL

1.2. Venue of this action is proper in this court under RCW 4.12.010 and RCW 4.12.020 as this action involves activities on real property located in Skagit County, Washington, by persons acting within Skagit County.

II. PARTIES

2.1. Plaintiff Skagit County is now and at all times herein mentioned a duly organized and existing county and political subdivision of the State of Washington.

2.2. William Coleburn and Denise Coleburn, husband and wife, reside at 6128 Park Side Drive, Anacortes, Washington.

2.3. Predators of the Heart is a Washington nonprofit corporation, UBI number 601916640, which maintains a facility at 4709 Welch Lane, Anacortes, Washington.

III. BACKGROUND FACTS

3.1. William Coleburn is the registered agent and president for Predators of the Heart.

3.2. Denise Coleburn is the secretary for Predators of the Heart.

3.3. William and Denise Coleburn are the owners of real property at 4709 Welch Lane, parcel number P128398, on Fidalgo Island adjacent to the City of Anacortes (hereinafter the "Property").

3.4. Predators of the Heart maintains a facility on the Property.

3.5. Predators of the Heart and/or William Coleburn possess or control one or more of the following wild animals on the Property:

(a) American alligator,

(b) wild bred cougar,

(c) captive bred cougar,

(d) wolf,

(e) wolf hybrid,

(f) Arctic fox,

(g) king cobra (family Elapidae),

(h) copperheads (family Viperidae),

(i) cottonmouths (family Viperidae),

(j) green mamba (family Elapidae),

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(k) Black-neck Spitting Cobra (family Elapidae),

(l) Diamondback rattlesnakes (family Viperidae),

3.6. Predators of the Heart entertains at churches, schools, fairs, libraries, camps and community and corporate events by presenting a "Wild Animal Show."

3.7. William Coleburn acts as the host or emcee at the Wild Animal Show during which he handles and exhibits wild animals.

3.8. During the Wild Animal Show animals are kept in cages or containers unless removed for handling.

3.9. Predators of the Heart advertises that its Wild Animal Show is a "crowd pleasing program [that] incorporates audio, video, and live exhibits."

3.10. Predators of the Heart advertises that the animals featured in its Wild Animal Show includes snakes, wolves, alligators, and mountain lion.

3.11. Entco International advertises the Predators of the Heart show as "the largest wildlife show available for corporate events" and that "this may be your last opportunity to see such magnificent wild animals in an up-close encounter."

3.12. On or about February 7, 2015, Predators of the Heart and William Coleburn exhibited animals including snakes, wolves and/or wolf hybrids, alligators, and mountain lions during the Arlington-Stillaguamish Eagle Festival at the Eagle Creek Elementary School in Arlington, Washington.

3.13. On January 29, 2015, the Skagit County Animal Control Officer, served notice via certified and regular mail addressed to Mr. Coleburn at 6128 Park Side Drive, Anacortes, Washington that possession of animals defined as potentially dangerous wild animals under chapter 7.04 Skagit County Code within the unincorporated area of Skagit County was unlawful.

3.14. After receiving the letter dated January 29, 2015, via regular mail, Mr. Coleburn talked to Skagit County Sheriff Will Reichardt about the violation.

3.15. Predators of the Heart has accepted additional animals that are classified as potentially dangerous wild animals under RCW 16.30.010(2) since 2007.

3.16. Wolf hybrids, also known as wolf dogs, which are classified as potentially dangerous wild animals under SCC 7.04.010 have bred and bore litters of puppies while in possession of Predators of the Heart since 2007.

3.17. Predators of the Heart is not an institution authorized by the Washington Department of Fish and Wildlife to hold, possess, and propagate deleterious exotic wildlife pursuant to RCW 77.12.047.

3.18. Predators of the Heart is not an institution accredited or certified by the American Zoo and Aquarium Association

3.19. Predators of the Heart is not a facility with a current signed memorandum of participation with an Association of Zoos and Aquariums species survival plan.

3.20. Predators of the Heart is not a duly incorporated nonprofit animal protection organization, such as a humane society or shelters, housing an animal at the written request of the Skagit County animal control authority.

3.21. Predators of the Heart is not an animal control authority.

3.22. Predators of the Heart is not a veterinary hospital or clinic.

3.23. Predators of the Heart is not a holder of a valid wildlife rehabilitation permit issued by the Washington Department of Fish and Wildlife.

3.24. Predators of the Heart is not a wildlife sanctuary as defined under RCW 16.30.010(5).

3.25. Predators of the Heart is not a research facility as defined by the animal welfare act, 7 U.S.C. 2131, as amended, for the species of animals for which they are registered.

3.26. Predators of the Heart is not a circus, defined as an incorporated, class C licensee under the animal welfare act, 7 U.S.C. 2131, as amended, that is temporarily in Washington state, and that offer performances by live animals, clowns, and acrobats for public entertainment.

3.27. Predators of the Heart is not a person temporarily transporting and displaying a potentially dangerous wild animal through the state with a transit time of not more than twenty-one days.

3.28. Predators of the Heart is not a person possessing domesticated animals or native wildlife subject to Title 77 RCW.

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3.29. Predators of the Heart does not exhibit livestock and agricultural products at fairs approved by the Washington department of agriculture pursuant to chapter 15.76 or 36.37 RCW.

3.30. Predators of the Heart does not maintain a game farm meeting the requirements of WAC 232-12-027(1).

3.31. Predators of the Heart and William and Denise Coleburn continue to maintain potentially dangerous wild animals on the Property.

3.32. As of April 2, 2015, Predators of the Heart and William and Denise Coleburn had 20 wolves, 6 cougars, and bobcats at the Property.

3.33. On April 2, 2015, Predators of the Heart and William Coleburn held a show in Anacortes where he presented a four foot alligator, a three year old rattlesnake, and a king cobra.

3.34. William and Denise Coleburn have also transported to and have possessed, kept, harbored, or had custody or control over potentially dangerous wild animals at their residence in Anacortes, Washington.

IV. FIRST CAUSE OF ACTION – CIVIL PENALTY FOR VIOLATION OF RCW 16.30.020

4.1. Skagit County re-alleges and incorporates herein paragraphs 1.1 through 3.34 above.

4.2. Predators of the Heart maintains wild animals as defined in RCW 16.30.010(2) as potentially dangerous wild animals and which were acquired after July 22, 2007, on the Property.

4.3 William Coleburn owns, keeps, possesses, harbors, or has custody or control of potentially dangerous wild animals, as defined in RCW 16.30.010(2), which were acquired after July 22, 2007, on the Property.

4.4. Denise Coleburn owns, keeps, possesses, harbors, or has custody or control of potentially dangerous wild animals, as defined in RCW 16.30.010(2), which were acquired after July 22, 2007, on the Property.

4.5. Predators of the Heart is liable for a civil penalty of not less than two hundred dollars and not more than two thousand dollars for each animal with respect to which there is a violation of RCW 16.30.020 and for each day the violation has continued.

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4.6. William Coleburn is liable for a civil penalty of not less than two hundred dollars and not more than two thousand dollars for each animal with respect to which there is a violation of RCW 16.30.020 and for each day the violation has continued.

4.7. Denise Coleburn is liable for a civil penalty of not less than two hundred dollars and not more than two thousand dollars for each animal with respect to which there is a violation of RCW 16.30.020 and for each day the violation has continued.

V. SECOND CAUSE OF ACTION – CIVIL PENALTY FOR VIOLATION OF SCC 7.04.030

5.1. Skagit County re-alleges and incorporates herein paragraphs 1.1 through 4.7 above.

5.2. Predators of the Heart has continued to maintain wild animals as defined in SCC 7.04.010 as potentially dangerous wild animals on the Property since January 1, 2015.

5.3 William Coleburn has continued to own, keep, possess, harbor, or have custody or control of potentially dangerous wild animals, as defined in RCW 16.30.010(2), on the Property since January 1, 2015.

5.4. Denise Coleburn owns, keeps, possesses, harbors, or has custody of control of potentially dangerous wild animals, as defined in RCW 16.30.010(2), on the Property since January 1, 2015.

5.5. Predators of the Heart is liable for a civil penalty of two thousand dollars for each animal with respect to which there is a violation of SCC 7.04.030 and for each day the violation has continued.

5.6. William Coleburn is liable for a civil penalty of two thousand dollars for each animal with respect to which there is a violation of SCC 7.04.030 and for each day the violation has continued.

5.7. Denise Coleburn is liable for a civil penalty of two thousand dollars for each animal with respect to which there is a violation of SCC 7.04.030 and for each day the violation has continued.

VI. THIRD CAUSE OF ACTION – INJUNCTIVE RELIEF

6.1. Skagit County re-alleges paragraphs 1.1 through 5.7 above.

6.2. Unless a person meets the requirements for an exception listed in RCW 16.30.020, the ownership, possession, keeping, harboring, bringing into Skagit County, or having custody or control of any potentially dangerous wild animal within the unincorporated area of Skagit County is a public nuisance. See SCC 7.04.060(1).

6.3. Skagit County is entitled to injunctive relief under RCW 7.48.020 to stop defendants from continuing to use the Property to maintain a public nuisance.

6.4. Skagit County and the neighborhood, community, and public at large will be irreparably damaged and harmed if an injunction in the form prayed for below is not issued by the court.

6.5. Skagit County has no plain, speedy, and adequate remedy at law other than an injunction to stop defendants from continuing the public nuisance.

6.6. The use of the Property for the keeping, harboring, or maintaining custody or control of a potentially dangerous wild animal will, unless enjoined, continue to present a public nuisance to the detriment of Skagit County and the public.

VII. FORTH CAUSE OF ACTION – ABATEMENT OF PUBLIC NUISANCE

7.1. Skagit County re-alleges paragraphs 1.1 through 6.6 above.

7.2. A violation of SCC 7.04.030 by the ownership, possession, keeping, harboring, bringing into Skagit County, or having custody or control of any potentially dangerous wild animal within the unincorporated area of Skagit County is a public nuisance. See SCC 7.04.060(1).

7.3. Under RCW 36.32.120 (10), the county may prevent, remove, and abate a public nuisance at the expense of the parties creating, causing, or committing the nuisance, and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost or to reimburse the county for the cost of abating it and the costs of abatement shall constitute a lien against the property of equal rank with state, county, and municipal taxes.

7.4. Because defendants have not removed the potentially dangerous wild animals from Skagit County and should they not do so within a reasonable time, Skagit County should be allowed to go onto the Property and abate the nuisance by seizing the potentially dangerous wild animals and thereafter dispose of them as allowed by law.

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7.5. Skagit County reserves the right to assert a statutory public nuisance lien for the costs of abatement consistent with all applicable legal authority.

VIII. REQUEST FOR RELIEF

WHEREFORE, Skagit County requests that the court enter judgment against defendants as follows:

8.1. Determining that the continued use of the Property to own, possess, keep, harbor, or have custody of control of any potentially dangerous wild animal is a public nuisance that can be permanently enjoined by the court.

8.2. Permanently restraining and enjoining defendants from using the Property or any other property in unincorporated Skagit County to own, possess, keep, harbor, or have custody or control of any potentially dangerous wild animal.

8.3. Ordering defendants to abate the nuisance by removing all potentially dangerous wild animals from the Property within a reasonable time after judgment, to wit: forty-five days, to a suitable location.

8.4. Entering judgment against defendants for accrued civil penalties under either SCC 7.04.060(2) in the amount of $2,000 per day for each violation or RCW 16.30.60 in an amount between $200 and $2,000 per day.

8.5. Awarding Skagit County its statutory costs and attorney fees incurred in this action.

8.6. Awarding Skagit County such other and further relief as may be deemed just and equitable, including, should Predators of the Heart and/or William Coleburn decline to abate the nuisance themselves, an order authorizing Skagit County Animal Control Authority to enter the property and seize any potentially dangerous wild animals.

Dated this 9th day of April, 2015.

RICHARD A. WEYRICH
SKAGIT COUNTY PROSECUTING ATTORNEY

By: _____
A.O. DENNY, WSBA 14021
Deputy Prosecuting Attorney

PROSECUTING ATTORNEY
OF SKAGIT COUNTY
605 South Third Street
Mt. Vernon, Washington 98273
360-336-9460

EXHIBIT E

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34

IN THE SUPERIOR COURT
FOR SKAGIT COUNTY, WASHINGTON

SKAGIT COUNTY, a municipal corporation of the State of Washington, Plaintiff, vs. WILLIAM COLEBURN, DENISE COLEBURN, husband and wife, and PREDATORS OF THE HEART, a Washington non-profit Corporation, Defendants.	NO. 15-2-00509-2 COUNTY'S MOTION FOR SUMMARY JUDGMENT TO ENJOIN FURTHER VIOLATIONS, TO ABATE A PUBLIC NUISANCE, AND TO IMPOSE A CIVIL PENALTY

COMES NOW Skagit County and moves the court under CR 56 to find that defendants are in violation of RCW 16.30.030 and SCC 7.04.030(2) and to enjoin further violations, abate a public nuisance, and impose a civil penalty.

INTRODUCTION

Defendants keep wolves (high content wolf-hybrids), cougars, foxes, alligators, cobras, rattlesnakes, copperheads, and cottonmouths on William and Denise Coleburn's property at 4709 Welch Lane, Anacortes, Washington. These animals are defined in RCW 16.30.010(2) as

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"potentially dangerous wild animals" and their possession on property located in unincorporated Skagit County is a public nuisance. SCC 7.04.060(1).

In their Amended Answer, defendants claim that they are a "wildlife sanctuary," which is an exception to the prohibition on the possession of "potentially dangerous wild animals." However, defendants do not qualify for the "wildlife sanctuary" exception because they display their animals at churches, schools, fairs, libraries, camps and community and corporate events. Such exhibitions are not inherent in the animal's nature, natural conduct, or in its natural habitat, the core requirements for a "wildlife sanctuary." Defendants have demonstrated – by their recent breeding and sale and continued exhibition of its potentially dangerous wild animals and by their abandonment of an application for a special use permit that would allow then to operate an animal sanctuary on the Welch Lane property – that they do not intend to comply with the law and ordinance unless forced to do so.

The county seeks to enjoin the defendants' continuing violations and the imposition of a civil penalty.

ISSUES

Do defendants possess animals defined as potentially dangerous wild animals in unincorporated Skagit County?

Do defendants' admissions and breeding, sale, and exhibition of potentially dangerous wild animals establish that they do not meet the requirements for any exception under RCW 16.30 and SCC 7.04 that would allow them to keep potentially dangerous wild animals on property in unincorporated Skagit County?

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If so, should the court enjoin further violations, issue its order directing defendants to abate the public nuisance on their property, and impose civil penalties?

FACTS

Defendants and William Coleburn each admit keeping potentially dangerous wild animals on property at 4709 Welch Lane, Anacortes, Washington. Amended Answer at 3.5, 3.32, Transcript of Deposition of William Coleburn (Tr.) *passim*. The property at 4709 Welch Lane (hereinafter "Welch property") is owned by William and Denise Coleburn. Amended Answer at 3.3. The Welch property is located in unincorporated Skagit County. Decl. Black.

William Coleburn is the director of Predators of the Heart. Tr. at 11. When Predators of the Heart has funds, it pays William Coleburn a salary and "rent of a thousand dollars a month." Tr. at 15-16.

William Coleburn participated in the public hearings for the adoption of the county's potentially dangerous wild animal ordinance in 2014 and received a copy of the ordinance before it was adopted. He agrees with it in part, but disagrees with the lack of an exemption for "USDA licensed people" and the allowance for an exemption for sanctuaries, Tr. at 21-22, which he refers to as "scamtuaries." Tr. at 91.

Defendants keep cobras, copperheads, cottonmouths, rattlesnakes, alligators, cougars, and wolves and/or wolf hybrids in enclosures on the Welch Lane property. Tr. at 7; Amended Answer at para. 3.5, 3.12, 3.31. Cougars and wolves are kept in "chain link enclosures." Tr. at 8. Reptiles are kept in a temperature controlled "semi-truck trailer." Tr. at 9. Defendants had 20 wolves and six cougars on April 2, 1015, and 16 wolves and six cougars as of June 10, 2015. Amended Complaint at 3.32. On October 15, 2015, William Coleburn had 17 wolves on the

Welch facility, Tr. at 25; three foxes, Tr. at 26, 129; and eight alligators, at least five of which he had at the beginning of 2015, Tr. at 76. William Coleburn has the following snakes at the Welch, which he has acquired in the last two years: (1) one cottonmouth, Tr. at 77; (2) two monocled cobras, Tr. at 78; (3) two eastern diamondback rattlesnakes, Tr. at 80; and (4) one canebrake rattlesnake, Tr. at 80. He acquired one of his three western diamondback rattlesnakes three years ago or "maybe longer." Tr. at 80. Two of William Coleburn's cougars were born on the property in about 2010. William Coleburn knew breeding cougars was against the law, but did not try to prevent the pregnancy. Tr. at 161-62.

William Coleburn's wolves are "high content" with "some of the best blood lines in the whole country" that he does not want to see end. Tr. at 98. His wolves bore three litters of cubs in April, 2015, producing ten cubs total. Tr. at 82. Six went to zoos. Others went to "a friend in Chicago and a friend in Ohio." Tr. at 82-83. The friend in Chicago paid $1,500 for a cub that he will include in programs like the ones William Coleburn conducts. Tr. at 82-83. The friend in Ohio is "broke and destitute" and will sell the wolf to a good home. Tr. at 84.

William Coleburn has also sold or donated wolves to Mace Loftus and a person named Scott who resell the wolves. Tr. at 85-86. William Coleburn's wolves are used in zoos, in different countries, and "movie people use them" Tr. at 87. William Coleburn recently gave two wolves to a place in Canada and sold two white wolves to the White Wolf Sanctuary in Oregon for $6,000. Tr. at 72-73.

William Coleburn keeps his venomous copperheads, cottonmouths, cobras, and rattlesnakes in a trailer on the Welch Lane property. The snakes are housed in wood cages with glass fronts that measure two by three feet in size. Tr. at 144. When they need to be transported,

they are places in "veterinarian cages that are made out of fiberglass with aluminum bars." Tr. at 51. However, when they are taken to shows, they placed in "totes that are real heavy-duty plastic with a locking lid." Tr. at 148. William Coleburn's green mamba died after a tote's lid was slammed on it. Tr. at 53-54. William Coleburn allowed it to linger for "a couple days" before he "finally figured out that it wasn't going to make it." Tr. at 54.

In 2015, William Coleburn took potentially dangerous wild animals, including a cougar, wolves, and snakes, to the Montana Sportsman's Exposition in Kalispell where he "did three programs a day, and the expo lasted a couple days, I think, two or three days." Tr. at 44. He has made this trip three times in prior years, stopping at several expositions, "in Butte and Missoula, and Kalispell" for separate shows. Such trips lasted three weeks. Tr. at 43, 45.

A Freightliner truck is used to transport wolves and cougars to shows. A van is used when a show just involves smaller animals. Tr. at 68. Preparation for a typical show involves loading the display animals into cages in the Freightliner truck the day before transportation to the event. Tr. at 46. The animals are left in the cages overnight and before they are driven to the show. Tr. at 47. The travel cages are "[r]eally, really, heavy duty." Tr. at 30. Some trips take several days to complete. For example, travel to Montana takes two days, with a stop and show in Spokane, and arrival on the day before the show. Tr. at 47-49. Animals are left in their cages overnight at the destination. A wheeled "transport cage" is used to cougars from their transport cage to a holding cage on the stage where the animals are held until moved into a display cage for public view. Tr. at 50-51. Wolves are led from the truck to the cages on the stage by leash. Tr. at 51. To ensure the public's safety, cougars are not allowed out of a cage. Tr. at 30. Getting a cougar onto the stage involves moving it through three cages. Tr. at 114. William Coleburn looks

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for at least a five foot and preferably a 15-foot barrier between the cages and the audience. Tr. at 30.

William Coleburn hosts the shows with assistance from a part-time employee or volunteer. He uses a microphone and speakers to project his voice to the audience. If William Coleburn does not use the venue's equipment, he uses "a portable sound system that can do, like, a thousand people," Tr. at 63, and projectors and two screens. Tr. at 64.

William Coleburn exhibited two wolves, one cougar, two cobras, four rattlesnakes, and two alligators at the Lynden fair on August 20, 2015. Tr. at 81. He displayed his wolves, mountain lion, snakes and alligators on February 7, 2015, during the Arlington-Stillaguamish Eagle Festival at the Eagle Creek Elementary School in Arlington, Washington. Amended Answer at 3.12. He exhibited an alligator, a rattlesnake, and a king cobra at a show in Anacortes on April 2, 2015. Amended Answer at 3.33.

A usual show involves holding and positioning a cottonmouth so that it will bite his shoe. Tr. at 55, 56. However, William Coleburn tries to not over handle the snakes because that reduces their value in the show. Tr. at 59. Over handling will cause cobras to stop striking and rattlesnakes will "become so tame that it won't rattle anymore. It won't even strike anymore." Tr. at 57. His copperhead is tame from handling: "you can just pick him up with your hand and you're not going to get bit." TR. at 60.

William Coleburn takes his animals to "birthday parties, churches, schools, fairs, libraries, camps, community events, and corporate events." Tr. at 19, Amended Answer at 3.6. He also holds shows on the Welch property, but "it's not an every-week deal." Tr. at 116. He

held a birthday party on the Welch property "two months or so ago," before October 15, 2015. Tr. at 118-120.

William Colburn has booked his animals for a show in February 2016 at a sportsman's exposition in the Tri Cities area. Tr. at 44. William Coleburn and/or Predators of the Heart will receive $5,000 for holding three one-hour shows a day for each of three days at this event. Tr. at 62. He has shows booked between October 15, 2015, and the 2016 sportsman's exhibition in the Tri Cities, including "an event for a church on Halloween." Tr. at 69.

Several animals, including a bobcat, Tr. at 28; foxes, Tr. at 32; and wolves, Tr. at 33; have escaped from the Welch property. *Also see* Decl. Hettich. Decl. Welch, Decl. Padovan. The bobcat bit and scratched William Coleburn, drawing blood, when he captured it following its last escape. Tr. at 126.

William Coleburn's cougars have not been declawed. Tr. at 127. If a cougar escaped or injured someone, "we would be totally done." Tr. at 38. William Coleburn would "be very concerned about children and any large animal, dog or cat." Tr. at 39. However, depending on the circumstances, he would allow people to be in a cage or otherwise associate with young wolves. Tr. at 107. One wolf, which had escaped and was caught by the Anacortes Animal Control officer Marie Padovan, "ate up her vehicle." Tr. at 33, Decl. Padovan.

While not actively seeking contracts to exhibit his animals, "if something big came up, and – that – that the possibility would be that we would do it[.]" Tr. 70. In response to the question if he believes that "taking the animals out of their natural environment and putting them in cages at shows with electronics and people watching and using sticks to get snakes to bite allows you to be a sanctuary," William Coleburn answered, "Yes." Tr. at 100-01.

William Coleburn's practice of dumping uneaten meat on his property has increased the presence of rats and other scavengers, including crows, ravens, turkey buzzards, and eagles in the neighborhood. Neighbors have found pieces of raw meat and processed lunchmeats lying around the neighborhood and have seen it falling from the sky, from the beaks of smaller birds. Decl. Hettich, Knutsen, Welch, Borlin. The noises from the wolves, cougars, and scavenging birds are neighborhood irritants. Decl. Hettich, Knutsen, Welch.

William Coleburn admits he was not in compliance with the county's potentially dangerous wild animal ordinance when it was enacted or on January 1, 2015. Tr. at. 100.

ANALYSIS

Defendants admit to possession potentially dangerous wild animals in unincorporated Skagit County. Thus, the only issue before the court, which is necessarily framed by the defendants' amended answer and William Coleburn's admissions, is whether any exception to the prohibitory sections applies. Defendants claim that one applies – that they are a wildlife sanctuary. However, the defendants' practices prevent them from meeting the statutory definition of a wildlife sanctuary.

A. Standard of review and burden of proof.

Summary judgment is appropriate where "the pleadings, affidavits, and depositions establish that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law." CR 56; *Jones v. Allstate Ins. Co.*, 146 Wn.2d 291, 300-01, 45 P.3d 1068 (2002). "A material fact is one upon which the outcome of the litigation depends." *Clements v. Travelers Indem. Co.*, 121 Wn.2d 243, 249, 850 P.2d 1298 (1993).

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Questions of law are appropriately decided on summary judgment. *Estate of Sturgill v. United Servs. Auto. Ass'n*, 84 Wn. App. 877, 880, 930 P.2d 945 (1997). Factual issues may also be decided as a matter of law when reasonable minds could reach but one conclusion and when the factual dispute is so remote it is not material. *Ruffer v. St. Frances Cabrini Hosp.*, 56 Wn. App. 625, 628, 784 P.2d 1288, *review denied*, 114 Wn.2d 1023, 792 P.2d 535 (1990). *Also see Hiatt v. Walker Chevrolet Co.*, 120 Wn.2d 57, 65-66, 837 P.2d 618 (1992); *Dowler v. Clover Park Sch. Dist. No. 400*, 172 Wn.2d 471, 484, 258 P.3d 676 (2011) ("where reasonable minds could reach but one conclusion from the admissible facts in evidence, summary judgment is appropriate.")

The initial burden is on the moving party to show there is no issue of material fact. *Young v. Key Pharm., Inc.*, 112 Wn.2d 216, 225, 770 P.2d 182 (1989). If the moving party meets this initial burden, then "[t]he nonmoving party must set forth specific facts showing a genuine issue and cannot rest on mere allegations." *Baldwin v. Sisters of Providence in Wash., Inc.*, 112 Wn.2d 127, 132, 769 P.2d 298 (1989); CR 56(e). A "scintilla" of evidence, evidence that is "merely colorable," or evidence that "is not significantly probative," will not defeat the motion. *Herron v. Tribune Publ'g Co.*, 108 Wn.2d 162, 170, 736 P.2d 249 (1987).

RCW 16.30 and SCC 7.04 are remedial. The state legislature adopted chapter 16.30 RCW "to protect the public against the serious health and safety risks that dangerous wild animals pose to the community." *See* RCW 16.30.005. The county amended SCC 7.04 "to regulate the possession of all potentially dangerous wild animals, wherever acquired, to protect the health safety, and welfare of the community and the animals[.]" Skagit County Ordinance no. O20140001. The county's purpose is:

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> . . . to encourage, secure and enforce those animal control measures deemed desirable and necessary for the protection of the health, safety and welfare of the residents and animals of Skagit County, to minimize the exposure of citizens to the harmful nuisance, physiological, and psychological effects of excessive noise, and to prevent injury to property and cruelty to animals. To this end, this Title regulates animal behavior and provides standards for the use, care, management, and treatment of animals.

SCC 7.01.010. Further emphasizing the remedial nature of RCW 16.30 and SCC 7.04, neither makes possession of a potentially dangerous wild animal a crime[1] and only civil penalties are allowed to be imposed.

> A legislature's designation of a penalty as civil is entitled to considerable deference and that designation will not be overborne unless the statute, considered on its face and without reference to the level of sanction imposed in the particular case, is clearly so punitive as to render it criminal despite the legislature's intent to the contrary. The Court in *Hudson* stated that only the clearest proof of its punitive character will suffice to override legislative intent and transform a sanction labeled civil into one that is criminal.

Winchester v. Stein, 135 Wn.2d 835, 852-853, 959 P.2d 1077 (1998). In addition, the county code makes possession of a potentially dangerous wild animal a public nuisance that may be abated. SCC 7.04.060.

Thus, this is a civil matter and the county's burden of proof is a preponderance of the evidence.

B. Defendants possession of "potentially dangerous wild animals" violates RCW 16.30.030 and SCC 7.04.030.

Under state law, "[a] person shall not own, possess, keep, harbor, bring into the state, or have custody or control of a potentially dangerous wild animal," unless (1) the person was in

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[1] *Cf State v. Conte*, 159 Wn.2d 797, 821, 154 P.3d 194 (2007) ("Unlike civil statutes, which are considered remedial, criminal statutes are generally associated with punitive consequences.")

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legal possession of the animal prior to July 22, 2007, and can establish legal possession through veterinary records, acquisition papers, or other documents or records; or (2) the person qualifies for one of the exceptions listed in RCW 16.30.030.

The Skagit County Code adopts the prohibitions under RCW 16.30.030 and all of the exceptions listed under RCW 16.30.020, but added animals to the definition of "potentially dangerous wild animals" and deleted the exemption for "potentially dangerous wild animals" owned prior to July 22, 2007.[2] SCC 7.04.010(1), .020, .030.

1. Defendants possess potentially dangerous wild animals in unincorporated Skagit County.

Defendants and/or William Coleburn admit that they possess and maintain the following animals, which are defined as "potentially dangerous wild animals," on their property at Welch Lane in unincorporated Skagit County:

(a) captive-bred cougar;	6
(b) wolf-hybrid[3]	17 (violation of SCC 7.04.030 if hybrids) (violation of RCW/SCC if wolves)
(c) fox	2 (violation of SCC 7.04.030)
(d) monacled cobra	2
(e) rattlesnake	5
(f) cottonmouth	1
(g) copperhead	1

[2] Article XI, section 11 of the Washington Constitution and RCW 16.30.050 authorize the county to adopt a more restrictive ordinance.

[3] William Coleburn testified "that there are probably no real wolves left on the whole northern continent" and "[i]f I were to have all my animals DNA's they would not come back as wolves," Tr. at 24; however, he elaborated, "these have actually not been bred pure wolves because they're, like, probably 30 generations or more old," Tr. at 133, and agreed that his use of the word "wolf" or "wolves" refers "to anything that's got any part of wolf in it." Tr. at 25.

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(h) alligator 8

2. Defendants do not qualify for any exception that would allow them to possess potential dangerous wild animals in Skagit County.

RCW 16.30.020, which the county code incorporates by reference, provides for several exceptions that would allow a person to possess a potentially dangerous wild animal.[4] In their Amended Answer, defendants admit that they do not meet the requirements for any exception

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[4] RCW 16.30.020 provides, in part:

(1) The provisions of this chapter do not apply to:
(a) Institutions authorized by the Washington department of fish and wildlife to hold, possess, and propagate deleterious exotic wildlife pursuant to RCW 77.12.047;
(b) Institutions accredited or certified by the American zoo and aquarium association or a facility with a current signed memorandum of participation with an association of zoos and aquariums species survival plan;
(c) Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the animal control authority or acting under the authority of this chapter;
(d) Animal control authority, law enforcement officers, or county sheriffs acting under the authority of this chapter;
(e) Veterinary hospitals or clinics;
(f) A holder of a valid wildlife rehabilitation permit issued by the Washington department of fish and wildlife;
(g) Any wildlife sanctuary as defined under RCW 16.30.010(5);
(h) A research facility as defined by the animal welfare act, 7 U.S.C.A. 2131, as amended, for the species of animals for which they are registered. This includes but is not limited to universities, colleges, and laboratories holding a valid class R license under the animal welfare act;
(i) Circuses, defined as incorporated, class C licensees under the animal welfare act, 7 U.S.C.A. 2131, as amended, that are temporarily in this state, and that offer performances by live animals, clowns, and acrobats for public entertainment;
(j) A person temporarily transporting and displaying a potentially dangerous wild animal through the state if the transit time is not more than twenty-one days and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping;
(k) Domesticated animals subject to this title or native wildlife subject to Title 77 RCW;
(l) A person displaying animals at a fair approved by the Washington department of agriculture pursuant to chapter 15.76 or 36.37 RCW; and
(m) A game farm meeting the requirements of WAC 232-12-027(1).

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other than the exception for a "wildlife sanctuary." Amended Answer at para. 3.18 to 3.31. *See* RCW 16.30.020(1)(g).

However, defendants do not qualify as a "wildlife sanctuary." A wildlife sanctuary is:

> . . . a nonprofit organization, as described in RCW 84.36.800, that cares for animals defined as potentially dangerous and:
> (a) No activity that is not inherent to the animal's nature, natural conduct, or the animal in its natural habitat is conducted;
> (b) No commercial activity involving an animal occurs including, but not limited to, the sale of or trade in animals, animal parts, animal by-products, or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;
> (c) No unescorted public visitations or direct contact between the public and an animal; or
> (d) No breeding of animals occurs in the facility.

RCW 16.30.010(5).

To determine the meaning of "natural habitat" and "natural conduct," which are not defined in the statute, the court may look to their ordinary dictionary definitions. *See Skagit County Pub. Hosp. Dist. No. 1 v. Dep't of Revenue*, 158 Wn. App. 426, 437, 242 P.3d 909 (2010). "Natural" means "existing in nature and not made or caused by people : coming from nature." http://www.merriam-webster.com/dictionary/natural. "Habitat" means "the place or environment where a plant or animal naturally or normally lives and grows." http://www.merriam-webster.com/dictionary/habitat.

Defendants do not operate a wildlife sanctuary because they conduct activities that are not inherent to the animal's nature, natural conduct, or natural habitat and they engage in

commercial activities[5] including the breeding and sale of offspring and the display of caged animals on stages or in auditoriums. Trucking caged animals to fairs, parties, trade shows, churches, etc. to be displayed on stages and in auditoriums and similar manmade environments, with the use of lights and electronics, including microphones and amplifiers is not a part of the animals' natural habitat. Nor, given that most of the defendants' predators are naturally shy and usually avoid being seen by humans, is being displayed in a cage or on the end of a stick and being tempted to bite a boot a part of their nature or natural conduct. *See* Decl. Hebner, Becker, Anderson; Tr. at 82, passim.

C. Defendants' possession of potentially dangerous wild animals in unincorporated Skagit County when no exception applies warrants injunctive relief including an order of abatement.

Injunctive relief is available for violations which are declared by ordinance to be nuisances. *City of Mercer Island v. Steinmann*, 9 Wn. App. 479, 485, 513 P.2d 80 (1973) (Court reversed superior court's refusal to enjoin violation of city zoning code holding "use of property contrary to the ordinance is a public nuisance which the city may abate by an action in the superior court.") The superior court may grant an injunction when a plaintiff establishes (1) he has a clear legal or equitable right; (2) he has a well-grounded fear of immediate invasion of that right by the entity against which he seeks the injunction; and (3) the defendants' acts present a reasonable fear of harm. RCW 7.40.010; *Tyler Pipe Indus. v. Dep't of Revenue*, 96 Wn.2d 785,

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[5] Although Predators of the Heart is a non-profit corporation, its display of animals at fairs, churches, trade shows, birthday parties, etc. for a fee is a commercial activity. *See Shoreline v. Club for Free Speech*, 109 Wn. App. 696, 703, 36 P.3d 1058 (2001) ("CFFSR--which sells memberships and nonalcoholic drinks, operates in a location that is zoned commercial, and has members who pay adult entertainers for performances--is operating a commercial premises, notwithstanding its status as a nonprofit corporation")

792, 638 P.2d 1213 (1982); *Kitsap County v. Kitsap Rifle & Revolver Club*, 184 Wn. App. 252, 284, 337 P.3d 328 (2014).[6]

1. The county has a clear legal or equitable right to an injunction because defendants' possession of potentially dangerous wild animals in unincorporated Skagit County is a nuisance that warrants abatement.

Skagit County, like all Washington cities and counties, has broad constitutional and statutory authority to legislate for the benefit of the public health, safety, and welfare. Const. art. XI, § 11 ("Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations that are not in conflict with general laws.") This broad regulatory authority is characterized as:

> . . . a direct delegation of the police power as ample within its limits as that possessed by the legislature itself. It requires no legislative sanction for its exercise so long as the subject-matter is local, and the regulation reasonable and consistent with the general laws.

Hass v. Kirkland, 78 Wn.2d 929, 932, 481 P.2d 9 (1971). In addition to being authorized under RCW 16.30.050 to enact a more restrictive ordinance, regulating potentially dangerous wild animals is a permissible exercise of the county's police power. *See State ex rel. Davis-Smith Co. v. Clausen*, 65 Wash. 156, 201-202, 117 P. 1101 (1911) ("It is the duty of the state to protect every citizen in his life, liberty, and property; and it certainly is within the competency of the legislature to exercise the police power of the state to protect all property against the ravages of destructive animals.") *quoting with approval McGlone v. Womack*, 129 Ky. 274, 111 S.W. 688

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[6] The third element in *Tyler Pipe* is "the acts about which he complains are either resulting or will result in actual and substantial injury to him." As discussed below, because defendants' acts constitute a public nuisance, *Kitsap Rifle & Revolver Club* provides the applicable third element.

(1908); *Ramm v. Seattle*, 66 Wn. App. 15, 20, 830 P.2d 395 (1992) ("The ownership of dogs and cats is generally subject to regulation under a municipality's police power.")

County commissioners also "[h]ave power to declare by ordinance what shall be deemed a nuisance within the county[.]" RCW 36.32.120(10). A nuisance is "whatever is injurious to health . . . , so as to essentially interfere with the comfortable enjoyment of the life and property." RCW 7.48.010. A "public nuisance is one which affects equally the rights of an entire community or neighborhood, although the extent of the damage may be unequal." RCW 7.48.130.

Nuisances that affect equally the rights of an entire community include continuing to use a place for any "trade, employment, or manufacture, which. . . is offensive or dangerous to the health of individuals or of the public." RCW 7.48.140(7). Public nuisances arise from actions that affect the safety of the neighborhood. *See Kitsap County v. Kitsap Rifle & Revolver Club*, 184 Wn. App. 252, 265, 337 P.3d 328 (2014) (use of explosives and high-powered ammunition presents safety hazard to neighbors of gun range); *Matheson v. City of Hoquiam*, 170 Wn. App. 811, 822-823, 287 P.3d 619 (2012) (Derelict vessel is a public nuisance and a safety hazard).

In enacting SCC 7.04, the county commissioners made the following findings of fact:

> A. The animals to be regulated by the proposed ordinance are inherently dangerous, as they are not normally domesticated and pose unique threats to human life due to their physical and temperamental characteristics, including their strength, speed, and unpredictability.
>
> B. According to the US Department of Agriculture, wolf hybrids, often larger in size than either the wolf or dog from which they were bred, have been the source of a number of attacks on people – mostly children – that have resulted in severe injuries and several deaths. Many states prohibit or regulate possession of wolves and wolf hybrids.

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. . .

F. The regulated animals are unsuitable for rearing and handling in a home by non-professionals.

G. The Humane Society of the Unites States has taken the position that "dangerous wild animals should be kept in captivity by professionally run accredited zoological facilities and sanctuaries that have the resources and know how to meet the complex needs of the animals."

H. The proposed ordinance would reasonably regulate the possession of potentially dangerous wild animals by restricting them to the exempt facilities specified in RCW 16.30.020, such as accredited zoos and wildlife sanctuaries.

I. A zoo or wildlife sanctuary may qualify under the definition of "animal preserve." which the County's zoning code allows by Hearing Examiner special use permit in some zones.

Skagit County Ordinance, no. O20140001. *See* Appendix A. The county commissioners also declared that "[a] violation of SCC 7.04.030 is detrimental to the public health, safety, and welfare and is declared to be a public nuisance." SCC 7.04.060(1). The court's reasoning in *Am. States Ins. Co. v. Guillermin*, 108 Ohio App. 3d 547, 671 N.E.2d 317 (1996) is instructive on why the possession of potentially dangerous wild animals is subject to regulation as a public nuisance:

> "No member of such a species, however domesticated, can ever be regarded as safe, and liability does not rest upon any experience with the particular animal." Keeton, Prosser & Keeton on Torts (5 Ed. 1984), 542, Section 76.

Am. States Ins. Co. v. Guillermin, 108 Ohio App. 3d at 557. In *Warren v. Testa*, 9 Ohio B. Rep. 556, 461 N.E.2d 1354 (1983), the court held that a lion was a wild animal for purposes of a city nuisance ordinance. The *Testa* court reasoned that:

> Dangerous animals, by definition, mean those known to be such in fact or ones which must necessarily be known by the one who keeps them to be likely to inflict serious damage. . . A distinction has been made between animals which, by reason of their species, are by

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> nature ferocious, mischievous, or intractable, and those of a species normally harmless. In the first category are lions.

In *Warren County Combined Health Dist. v. Rittenhouse*, 117 Ohio App. 3d 97, 689 N.E.2d 1036 (1997) the court explained the rationale for regulating the possession of wild animals:

> As in *Guillermin*, *Testa* and the other decisions which we have cited, the Canadian cougars owned by appellees in this case are by their very nature dangerous wild animals which pose a significant threat to public safety. The mere fact that the cougars have become accustomed to interaction with man from living in captivity simply does not alter their wild and untame nature so as to render them domesticated animals. . . .

Warren County Combined Health Dist. v. Rittenhouse, 117 Ohio App. 3d at 100-101. The reasoning of the Ohio appellate courts is applicable here. William Coleburn recognizes that his animals present a risk of injury to the public. He employs precautions to prevent injury during his shows and has admitted that his cougars, if they escaped, would prevent a risk of injury to small kids. These animals and William Coleburn's practices clearly affect the public's safety.

Along with "[t]he power to declare by ordinance what shall be deemed a nuisance within the county," the legislature gave counties authority "to prevent, remove, and abate a nuisance." RCW 36.32.120(10).

Thus, Skagit County has a clear legal and equitable right to an injunction that will serve to abate the possession of potentially dangerous wild animals in unincorporated Skagit County.

2. Skagit County has a well-grounded fear of immediate invasion of its right to protect the public against the defendants' violations of RCW 16.30 and SCC 7.04.

The purpose of the county's potentially dangerous wild animal ordinance is:

> . . . to encourage, secure and enforce those animal control measures deemed desirable and necessary for the protection of the health, safety and welfare of the residents and animals of Skagit County, to minimize the exposure of citizens to the harmful nuisance,

> physiological, and psychological effects of excessive noise, and to prevent injury to property and cruelty to animals. To this end, this Title regulates animal behavior and provides standards for the use, care, management, and treatment of animals.

SCC 7.01.010. Although adopted on March 5, 2014, the county's ordinance excepted owners who were diligently working toward qualifying for an exception and any necessary land use approval until January 1, 2015. SCC 7.04.030(2).

William Coleburn was aware of the ordinance when it was adopted, including the exception for persons "diligently pursuing licensing, accreditation, and land use approvals." Tr. at 21-22. However, the defendants took no action to qualify for an exception until December 31, 2014, when William Coleburn applied for a special use permit to maintain an animal preserve on the Welch property. On January 14, 2015, the county advised William Coleburn that his application was incomplete. It also advised William Coleburn what he needed to do to complete his application. Decl. Black. Then, in a letter dated January 29, 2015, the Skagit County Sheriff advised William Coleburn that he was in noncompliance with the county code regulating the possession of potentially dangerous wild animals. Amended Answer at 3.13

William Coleburn did not remove his animals from Skagit County and did not respond to the county's request for further information for his application. He let his application lapse and instead of appealing the decision that his application was incomplete and had lapsed, William Coleburn asked for a refund of permitting fees and has not resubmitted an application for a special use permit that would allow him to use the property for wildlife sanctuary. Decl. Black.

William Coleburn's failure to complete his application and his ongoing breeding and exhibiting of potentially dangerous wild animals demonstrates that the defendants are not inclined to comply with RCW 16.30 or SCC 7.04, which would require then to abandon a source

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of income. It also demonstrates a reluctance to allow the county to consider and impose conditions on the use of the Welch Lane property as an animal sanctuary.[7] *See* SCC 14.06.170(9) (authorizing Hearing Examiner to impose conditions or modifications on permit).

Defendants use of armed guards on the Welch Lane property to "defend (William Coleburn) and his animals," Decl. Kiesser, Skagit Valley Herald article published July 11, 2015, also demonstrates their intent to continue to act in their own interests, with disregard for the state law and county ordinances that regulate the use of property and possession of potentially dangerous wild animals.

The evidence establishes that the defendants continue to maintain a public nuisance on the Welch Lane property despite the county's reasonable efforts to gain compliance with RCW 16.30 and SCC 7.04. It also establishes a well-grounded fear of an immediate and continuing invasion of the county's right to protect the public.

3. The defendants' acts present a reasonable fear of harm.

A finding of actual harm is not necessary to support a determination that an activity constitutes a nuisance. "[N]uisance can be based on a reasonable fear of harm." *Kitsap County v. Kitsap Rifle & Revolver Club*, 184 Wn. App. 252, 284, 337 P.3d 328 (2014). On this point, the court's decision on *Mercer Island v. Steinman* is instructive. Steinman obtained a building permit for a "game room" above his garage for personal use. Modifications during the permitted construction led to the construction of three possible living areas, one in the residence, one in the garage and one above the garage. After construction, Steinman moved from the house and into

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[7] William Coleburn's possession and breeding of wolf-hybrids also violates the county's kennel ordinance. *See* SCC 16.16.320(4)(n) (Hearing Examiner special use permit required to maintain a kennel).

the "game room" above the garage. He then rented the house and garage as apartments. *Mercer Island v. Steinmann*, 9 Wn. App. at 480. The *Steinmann* court did not require Mercer Island to establish harm before it enjoined Steinman's use of the property for rentals. It was sufficient that the activity was a public nuisance:

> Injunctive relief is available against zoning violations which are declared by ordinance to be nuisances. The Mercer Island code states that any use of property contrary to the ordinance is a public nuisance which the city may abate by an action in the superior court. The relief may be sought by the municipality itself to restrain the violation taking place. The enforcement of a zoning ordinance by injunction is essential if the amenities of the area sought to be protected are to be preserved.

Mercer Island v. Steinmann, 9 Wn. App. at 485-486 (citations omitted).[8]

The defendants' use of the Welch property to house potentially dangerous wild animals without the review that would have followed completion of an application for a special use permit for an animal preserve is a public nuisance that presents a risk of harm to the public. *See* SCC 7.04.060(1); SCC 14.44.120(3) (A violation of the zoning code "is detrimental to the public health, safety, and welfare and is a public nuisance"); RCW 7.48.130 ("A public nuisance is one which affects equally the rights of an entire community or neighborhood, although the extent of the damage may be unequal.") Thus, the defendants' actions injure the community on several levels.

Because of the history of animal escapes, noise, and poor sanitation practices at and from the Welch Lane property, if William Coleburn had followed through with the permitting process, the Hearing Examiner may have imposed conditions for noise control and to prevent escapes and

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[8] Steinmann obtained permits for his construction and there is no evidence that the rental caused harm to any tenant.

the spread of vectors and disease on any permit. *See* SCC 14.16.900(1)(b). Such conditions would likely end William Coleburn's practice of dumping uneaten meat on his property for rats and other scavengers, including crows, ravens, turkey buzzards, and eagles, to eat and carry away. It would have ended the problem with rat and meat dropping problems that plague William Coleburn's neighbors. *See* Decl. Hettich, Knutsen, Welch, Borlin.

William Coleburn's unlawful possession of potentially dangerous wild animals on his Welch Lane property has demonstrably changed the environment around William Coleburn's Welch Lane property. Neighbors suffer the stench of rotting meat, rats and the presence of pieces of rat meat that fall from the beaks of birds flying away from the food source William Coleburn provides for them as an alternative to paying for garbage collection. These are problems that did not exist before William Coleburn began to house his animals on his Welch Lane property. Decl. Hettich, Knutsen, Welch, Borlin. These odors, noises, safety, and rat and falling meet intrusions inherently affect property values and injure the neighbors' enjoyment of their properties. *See Radach v. Gunderson*, 39 Wn. App. 392, 399-400, 695 P.2d 128 (1985) ("A demonstrable financial loss is not essential to support an injunctive remedy" for "condition which adversely affects the Radachs' enjoyment of their property.")

The neighbors fear that an escaped animal will injure a pet, child, or adult is a valid concern. *See* Decl. Hebner, Becker, Anderson. An escaped bobcat injured William Coleburn when it was captured. Tr. 28. An escaped wolf damaged the interior of Marie Padovan's animal control vehicle. Tr. 33; Decl. Padovan. William Coleburn admits that these animals present a threat to small pets and the safety of children. Tr. 38-39. He'd be "done" if a cougar escaped. Tr. at 38.

William Coleburn blames his neighbors and does not accept that noise, escaped animals, and unsanitary practices cause any problems in the Welch Lane neighborhood. Tr. at 116 ("Kevin Welch is "the guy that started all this."); Tr. at 165 ("I would agree with you [about the requirement for a permit] if I didn't have a neighbor like Kevin Welch who's deeply involved with the county politics that pushed this agenda.")

William Coleburn's unpermitted use of his property to house potentially dangerous wild animals is, in fact and by legislative definition, a public nuisance that is detrimental to the public's health, safety, and welfare. *See* SCC 7.04.060(1); SCC 14.44.010(1). The decision to make a violation of an ordinance a public nuisance, "indicates a decision by the legislative body that the regulated behavior warrants enjoining, and that the violation itself is an injury to the community." ***King County ex rel. Sowers v. Chisman***, 33 Wn. App. 809, 819, 658 P.2d 1256 (1983).

D. An order of abatement and injunction should be issued to the defendants.

A "[n]uisance does not become legal by prescription." RCW 7.48.190. Thus, until the defendants comply with the law and ordinance, their possession of potentially dangerous wild animals remains a public nuisance that may be abated, enjoined, or enforced with a civil penalty. RCW 7.48.200.

A "trial court had the legal authority to enter an injunction designed to abate a public nuisance under both RCW 7.48.200 and [a local ordinance]." ***Kitsap County v. Kitsap Rifle & Revolver Club***, 184 Wn. App. 252, 302, 337 P.3d 328 (2014).

The court's authority to issue an order of abatement and an injunction comes from several sources.

First, at common law, engaging in any business or profession in defiance of law regulating or prohibiting the same is a nuisance *per se*, and a person so engaged may be enjoined from so doing, even though there may be, for the wrong committed, the legal remedy of arrest and punishment. *State v. Boren*, 42 Wn.2d 155, 163, 253 P.2d 939 (1953). Defendants' business of producing wildlife shows that use potentially dangerous wild animals is one aspect of why they do not qualify for the "animal sanctuary" exception under RCW 16.30 and SCC 7.04.

Second, state law allows an injunction for a nuisance:

> When it appears by the complaint that the plaintiff is entitled to the relief demanded and the relief, or any part thereof, consists in restraining the commission or continuance of some act, the commission or continuance of which during the litigation would produce great injury to the plaintiff; . . . or where such relief, or any part thereof, consists in restraining proceedings upon any final order or judgment, an injunction may be granted to restrain such act or proceedings until the further order of the court, which may afterwards be dissolved or modified upon motion. . . .

RCW 7.40.020; *See* RCW 7.48.200 ("When a civil action for damage is resorted to, the practice shall conform to RCW 7.48.010 through 7.48.040.")

Third, the county code, SCC 7.04.060(4), authorizes the county to seek an equitable remedy to abate a public nuisance caused by a violation of SCC 7.04.

Abatement and injunction are appropriate remedies in this case. The power to issue an order to abate a nuisance is "grounded on the inadequacy of the legal remedies; it being within the power of courts of equity, not only to abate an existing nuisance, but to do what the courts of law could not do -- interpose and prevent threatened nuisances, and, by a perpetual injunction, make their remedies effectual throughout all future time." *State v. Lew*, 25 Wn.2d 854, 865, 172

P.2d 289 (1946). The legislature specifically authorizes the court to issue an abatement order at the request of a local government:

> "When, upon . . . complaint or action, any person is adjudged guilty of a nuisance . . . the [superior] court may in addition to the fine imposed, if any, or to the judgment for damages or costs, for which a separate execution may issue, order that such nuisance be abated, or removed at the expense of the defendant, and after inquiry into and estimating, as nearly as may be, the sum necessary to defray the expenses of such abatement, the court may issue a warrant therefor..."

RCW 7.48.260.

Abatement is authorized for similar public nuisances. *See* RCW 47.42.080 (signs erected or maintained contrary to the provisions of chapter 4.42 RCW are a public nuisance that may be abated); RCW 47.32.120 (structures or businesses maintained that tend to invite patrons to use any portion of the right-of-way of any state highway is a public nuisance and may be abated); RCW 66.36.010 (following conviction relating to a liquor violation structures or places against which such action is brought is a public nuisance and may be abated); RCW 90.03.350 (dams constructed or modified other than in accordance with approved plans and specifications are a public nuisance and may be abated; RCW 46.55.240 (counties may declare that junk vehicles on private property are a public nuisance that may be abated); RCW 19.27.004 (authorizing counties to declare that dangerous buildings are public nuisances that may be abated).

As addressed above, the defendants knowingly maintain a public nuisance on their Welch Lane property that is in noncompliance with the Skagit County Code and they have declined to voluntarily stop the money-making practices of exhibiting potentially dangerous wild animal shows, which practice bars their use of any statutory exception. Where the public welfare is

being harmed by the defendants' continuing violations, damages will not adequately remedy the problem and the court should issue an injunction that defendants:

(1) remove all potentially dangerous wild animals from unincorporated Skagit County within 10 days;

(2) apply for and obtain a special use permit for an animal preserve or other applicable permit such as a kennel before returning any potentially dangerous wild animals to any property in unincorporated Skagit County; and

(3) provide proof of ownership for each potentially dangerous wild animal that establishes possession of the animal since July 21, 2007, to the Sheriff or Chief of Police in any Washington county or city where any such animal is relocated.

E. Civil Penalties.

RCW 16.30.060 provides that "[a] person who violates RCW 16.30.030 is liable for a civil penalty of not less than two hundred dollars and not more than two thousand dollars for each animal with respect to which there is a violation and for each day the violation continues."

SCC 7.04.060(2) provides that "[a] person who violates SCC 7.04.030 is liable for a civil penalty of $2,000 for each animal with respect to which there is a violation and for each day the violation continues."

Given defendants' Amended Answer and William Coleburn's testimony at his deposition on October 15, 2015, which establish that defendants possess potentially dangerous wild animals and do not comply with any statutory exception, each defendant is subject to civil penalties for the following animals during – at a minimum – the following periods:

Animal	RCW 16.30.060	SCC 7.04.060(2)

cobra	1-1-15 to 10-15-15	1-1-15 to 10-15-15
copperhead	1-1-15 to 10-15-15	1-1-15 to 10-15-15
cottonmouth	1-1-15 to 10-15-15	1-1-15 to 10-15-15
rattlesnake	1-1-15 to 10-15-15	1-1-15 to 10-15-15
alligators	-	1-1-15 to 10-15-15
cougars	4-9-13 to 10-15-15 (2)	1-1-15 to 10-15-15
wolves/hybrids	-	1-1-15 to 10-15-15
foxes	-	1-1-15 to 10-15-15

The county suggests that the court impose a civil penalty under RCW 16.30.060 of $200 per day collectively for the snakes acquired after July 22, 2007, for the 287 days between January 1, 2015 and October 15, 2015. The total penalty for the snakes would be $57,400.

The county suggests that the court impose a civil penalty under SCC 7.04.060(2) of $2,000 per day for each day that William Coleburn exhibited – or transported – the following animals at shows and exhibitions in 2015:

Wolves/Wolf hybrids:

3 days[9] for travel to and from the 2015 Montana Sportsman's Exhibition:	$6,000
1 day at the February 7, 2015, Stillaguamish Eagle Festival:	$2,000
2 days for transport to and from the Lynden Fair:	$4,000

Cougars[10]:

3 days for travel to and from the 2015 Montana Sportsman's Exhibition:	$6,000
1 day at the February 7, 2015, Stillaguamish Eagle Festival:	$2,000
2 days for transport to and from the Lynden Fair:	$4,000

[9] The three days is based on two days of travel, through Washington, to Montana and one day for a return trip.

[10] To put this penalty in perspective, the court could impose a civil penalty for each of the two cougars born at Welch Lane to William Coleburn's adult cougars in 2010. The county would recommend 2 x $200/day for 919 days between April 9, 2013 and October 15, 2015 for a total penalty of $367,600.

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Alligator:

1 day at the February 7, 2015, Stillaguamish Eagle Festival:	$2,000
1 day at an April 2, 2015 show in Anacortes:	$2,000
2 days for transport to and from the Lynden Fair:	$4,000

The county also suggests that the court impose a civil penalty under SCC 7.04.060(2) of $2,000 for each of the ten cubs ($20,000 total) born at the Welch Lane property in April 2015.

The total civil penalty the court should impose is $109,000, ($57,400 + $32,000+$20,000).

The imposition for a civil penalty for the transport to and from the Lynden Fair is appropriate because although exhibition at a certified agricultural fair is an exception from RCW 16.30 and SCC 7.04, the exception only applies while the animal is being displayed. RCW 16.30.020(1)(l) exempts "[a] person **displaying** animals at a fair approved by the Washington department of agriculture[.]" (Emphasis added). By its own terms, this is a narrow exception.

The present participle "displaying" evidences the legislature's intent that this exception only applies while the animal is being displayed at an approved fair. *See Harry v. Buse Timber & Sales, Inc.*, 166 Wn.2d 1, 22, 201 P.3d 1011 (2009) ("The statute [RCW 51.08.150] uses the present participle form of disable—disabling; it does not use the past participle form of the term—disabled. The tense is important because the term 'disabled' implies a completed action while "disabling" implies that the disability merely exists.") That the legislature intended to limit the agricultural fair exception to the duration of the display at the agricultural fair is reinforced by a separate exception for transportation, RCW 16.30.020(1)(j), which exempts "[a] person temporarily transporting and displaying a potentially dangerous wild animal through the state if the transit time is not more than twenty-one days and the animal is at all times maintained within

a confinement sufficient to prevent the animal from escaping." Thus, RCW 16.30.020(1)(j) allows an exhibitor at a state agricultural fair time to move the animals out of state without being in violation of the law or ordinance. If the exhibitor wanted to keep the animals in the state longer than the time of transport to and from an out-of-state location to an approved fair, the owner would then have to qualify under another exception. As addressed above, the defendants do not qualify for any other exception.

CONCLUSION

Defendants knowingly and willfully maintain potentially dangerous wild animals in unincorporated Skagit County while engaging in activities that bar the application of any exception under RCW 16.30 and SCC 7.04. They have demonstrated that they intend to continue to violate the law and ordinance by their failure to comply with zoning requirements and by their continued breeding, sale, and exhibition of their potentially dangerous wild animals. Skagit County seeks compliance with the law and has established the grounds for an immediate injunction, order of abatement, and imposition of civil penalties.

Dated this 18th day of November, 2015.

RICHARD A. WEYRICH
SKAGIT COUNTY PROSECUTING ATTORNEY

By: _____
A.O. DENNY, WSBA 14021
Deputy Prosecuting Attorney

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An Ordinance Amending Skagit County Code Title 7 to Provide for Appropriate Regulation of Potentially Dangerous Wild Animals

Whereas RCW Chapter 16.30 prohibits ownership of potentially dangerous wild animals acquired on or after July 22, 2007, and allows a local government's Animal Control Authority to enforce such prohibition;

Whereas RCW Chapter 16.30 expressly reserves to local government the right to regulate potentially dangerous wild animals in a manner more restrictive than RCW Chapter 16.30, including but not limited to prohibition of potentially dangerous wild animals acquired prior to July 22, 2007;

Whereas Skagit County residents have possessed a variety of captive exotic animals over the years, including a gorilla, tigers, cougars, and wolves;

Whereas the Board of County Commissioners desires to regulate the possession of all potentially dangerous wild animals, whenever acquired, to protect the health, safety, and welfare of the community and the animals;

Whereas revisions to Skagit County Code Title 7, Animals, are necessary to accomplish those purposes;

Whereas, on January 16 and 30, 2014, the Board of County Commissioners published notice of the proposed ordinance and of a public hearing;

Whereas, on February 4, 2014, the Board of County Commissioners held a public hearing on the proposed revisions to Skagit County Code;

Whereas, on February 25, 2014, the Board of County Commissioners discussed and deliberated on the proposed ordinance and the public comments;

Now Therefore, Be It Ordained by the Board of County Commissioners that:

Section 1. The Board of County Commissioners adopts the following findings of fact:

A. The animals to be regulated by the proposed ordinance are inherently dangerous, as they are not normally domesticated and pose unique threats to human life due to their physical and temperamental characteristics, including their strength, speed, and unpredictability.

B. According to the US Department of Agriculture, wolf hybrids, often larger in size than either the wolf or dog from which they were bred, have been the source of a number of attacks on people—mostly children—that have resulted in severe injuries and several deaths. Many states prohibit or regulate possession of wolves and wolf hybrids.

C. RCW 16.30 prohibits captive-bred cougars but not cougars born in the wild. No purpose is served by distinguishing between the two, as cougars born in the wild are not less dangerous. The federal Captive Wildlife Safety Act prohibits sale or transport of cougars across state lines.

D. It is within the prerogative and function of the Board of County Commissioners to decide whether and how best to regulate such matters as the possession, care, and transfer of these animals.

Attachment A

E. Other counties impose strict regulations on potentially dangerous wild animals, e.g. Island County prohibits the possession of cats other than housecats and limits the possession of wolf hybrids; Jefferson County prohibits harboring any vicious animal; King County prohibits possession unless obtained prior to 1994.

F. The regulated animals are unsuitable for rearing and handling in a home or by non-professionals.

G. The Humane Society of the United States has taken the position that "dangerous wild animals should only be kept in captivity by professionally run accredited zoological facilities and sanctuaries that have the resources and know how to meet the complex needs of the animals."

H. The proposed ordinance would reasonably regulate the possession of potentially dangerous wild animals by restricting them to the exempt facilities specified in RCW 16.30.020, such as accredited zoos and wildlife sanctuaries.

I. A zoo or wildlife sanctuary may qualify under the definition of "animal preserve," which the County's zoning code allows by Hearing Examiner special use permit in some zones.

Section 2. Skagit County Code Title 7 is hereby amended as shown in Attachment 1.

Section 3. This ordinance is effective May 1, 2014.

Witness Our Hands and the Official Seal of Our Office this 5 day of March, 2014.

SKAGIT COUNTY COMMISSIONERS SEAL COURT STATE OF WASHINGTON

Board of County Commissioners
Skagit County, Washington

Ron Wesen
Ron Wesen, Chair

Kenneth A. Dahlstedt
Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon
Sharon D. Dillon, Commissioner

ATTEST:
Linda Hanneman
Clerk of the Board

APPROVED AS TO FORM:
Will Honea, Chief Civil Deputy
Skagit County Prosecutor's Office

Attachment 1

7.01 General provisions

7.01.010 Purpose [no changes]

7.01.020 Definitions

In construing the provisions of this Title except where otherwise plainly declared and clearly apparent from the context, words used herein shall be given their common and ordinary meaning; in addition, the following definitions ~~shall~~ apply:

~~(1) "Abatement" means the termination of any violation by reasonable and lawful means determined by the Board of County Commissioners in order that a person or persons presumed to be the owner shall comply with this Title.~~

(2)-(4) [No change].

~~(5) "County" means Skagit County.~~

(6)-(9) [No change].

~~(10) "Residential" means any area within Skagit County in which the average population density for the area within a half mile shall not exceed two (2) family units per five (5) acres; provided, that the population density shall not exceed six (6) family units per five (5) acres for any area within said half mile.~~

~~(11) "Skagit County" means the unincorporated areas of Skagit County.~~

~~(12) "Vicious" means the propensity to do any act that might endanger the safety of any person, animal or property of another, including, but not limited to, disposition of mischief or fierceness as might occasionally lead to an attack on human beings without provocation, whether in play or outbreak of untrained nature.~~

7.01.030-100 [no changes]

SCC Chapter 7.04 is hereby repealed and replaced with the following:

7.04 Potentially Dangerous Wild Animals

7.04.010 Definitions

(1) "Potentially dangerous wild animal" means:

(a) All animals listed in RCW 16.30.010(2);

(b) All animals of the family Canidae (as dogs, wolves, jackals, or foxes) and their hybrid, except for the domestic dog *Canis lupus familiaris*; and

(c) All cougars.

7.04.020 Exceptions

The provisions of this chapter do not apply to the persons and entities listed in RCW 16.30.020.

7.04.030 Prohibited behavior.

(1) A person may not own, possess, keep, harbor, bring into the county, or have custody or control of any potentially dangerous wild animal within the unincorporated area of Skagit County.

(2) A person in legal possession of a potentially dangerous wild animal on the effective date of this section who does not qualify for one of the exceptions listed in RCW 16.30.020 may keep possession of the animal until December 31, 2014, upon a showing, satisfactory to the Animal Control Officer, that the possessor is diligently pursuing licensing, accreditation, and land use approvals for one of the exceptions listed in RCW 16.30.020.

(3) RCW Chapter 77.15 prohibits the trafficking in, and release of, "deleterious exotic wildlife" as defined in RCW 77.08.010.

7.04.040 Confiscation—Duties of animal control authority.

(1) The Animal Control Authority or a law enforcement officer may immediately confiscate a potentially dangerous wild animal held in contravention of this chapter.

(2) The Animal Control Authority officer must serve notice upon the possessor in person or by regular and certified mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is responsible for payment of reasonable costs for caring and providing for the animal during the confiscation, notice of right to administrative review of the confiscation, and that the possessor must meet the requirements of subsection (3) of this section in order for the animal to be returned to the possessor.

(3) A potentially dangerous wild animal that is confiscated under this section may be returned to the possessor, or a facility such as a wildlife sanctuary or a facility exempted pursuant to SCC 7.04.020, only for the purpose of transporting the animal out of the county on the day of transport, and only if the Animal Control Authority establishes that the return does not pose a public safety or health risk.

(4) If a potentially dangerous wild animal confiscated under this section is not returned to the possessor, the Animal Control Authority may release the animal to a facility such as a wildlife sanctuary or a facility exempted by SCC 7.04.020.

(5) An Animal Control Authority may euthanize a potentially dangerous wild animal under this section only if reasonable placement options such as relocation to a wildlife sanctuary are unavailable within a reasonable period of time.

7.040.050 Right to Administrative Review

(1) Within 15 days of confiscation, the owner of an animal confiscated under this chapter may request a meeting with the Sheriff to contest (a) the determination that the animal is regulated by this chapter, or (b) the determination that the owner is not exempt under SCC 7.04.020.

(2) After review of the record and the owner's reasons and information, the Sheriff must determine whether a preponderance of the evidence indicates the animal was properly confiscated.

(3) If the Sheriff determines that the animal was properly confiscated, the Sheriff must issue a decision that includes:

(a) A recital of the authority for the decision;

(b) A concise statement of the facts that support the decision; and

(c) The signature of the person who made the decision.

(4) The Sheriff's decision is the final administrative review of the confiscation.

7.04.060 Violation—Deemed nuisance—Abatement

(1) A violation of SCC 7.04.030 is detrimental to the public health, safety, and welfare and is declared to be a public nuisance.

(2) A person who violates SCC 7.04.030 is liable for a civil penalty of $2,000 for each animal with respect to which there is a violation and for each day the violation continues.

(3) The costs of abatement (including confiscation) are personal obligations of the animal owner. The Prosecuting Attorney on behalf of Skagit County may collect the abatement work costs by use of all appropriate legal remedies.

(4) In addition to the remedies herein provided, the County has the right to take any legal or equitable action, including injunctions, necessary for the protection of the public health and safety.

7.04.070 Enforcement

The Animal Control Authority is authorized and empowered to enforce the provisions of this chapter.

7.06 Dangerous Dogs

SCC 7.06.001, Definitions, is revised to read as follows:

(1) [no change]

(2) "Potentially dangerous dog" means:

(a) Any dog that when unprovoked:

(i) [no change]

(ii) [no change]

(iii) Bites a domestic animal or livestock, excluding poultry, while off the owner's property; or

(b) –(d) [no change]

(3) [no change]

(4) [no change]

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

May 6, 2022

To: Skagit County Planning and Development Services

Re: Predators of the Heart Special Use Application (PL22-0133)

Dear County Officers:

I have lived in Anacortes 27 years. Never until the past four or five years have I felt unsafe walking in the forest lands right adjacent to our property. Our neighbors, Predators of the Heart have been in the news these past few years with documentation of dogs being killed by their hybrid wolves. As I walk the trails I can hear the wolves howling nearby and I do not feel as safe as I once did.

Please listen to many pleas for safety, as next time an incident with the wolves happens, it may involve a young child or even an adult. This property where the wolves live is much too close to walking trails as well as residential homes.

The special use permit should not be granted. Please review "Crossing the Line—The Case Against Hybrids."

Sincerely,

Jenny Welch

Jenny Welch



Crossing the Line – The Case Against Hybrids

Despite their beauty and mystique, hybrids – animals created by breeding companion animals with their wild kin – pose great dangers for the unsuspecting public, not to mention harm for the creatures themselves.

On August 21, 1999, four-year-old Cody Tyler Fairfield was playing in the backyard of his home in Muskegon, MI. Also occupying the yard was the Fairfield family's wolf/German shepherd hybrid, tethered to a chain. Left alone for a moment, Cody approached the family pet. Within minutes, the child was dead, his throat crushed, his trachea punctured.

With yet another child attacked, maimed or killed by a powerful animal fueled by a high predatory drive, the scramble to assign responsibility again took center stage. Unfortunately, such tragedies are not unusual, whether they involve domestic pet dogs or wolf/dog crosses. But what elevates cases involving wolf/dog mixes to a more devastating level is the character and superior strength of the attacker, a potentially confused creature that is neither dog nor wolf, yet is expected to fill both roles with consistency and predictability.

Not just crying wolf

In an analysis of data compiled from press accounts of dog attack deaths and maimings in the United States and Canada since 1982, Clinton, WA-based Animal People reported in September of this year that "wolf hybrids are usually kept well apart from children, and from any people other than their owners. Yet they have still found more opportunity to kill and maim than members of any other [kind of dog] except pit bull terriers and Rottweilers, each of whom may outnumber wolf hybrids by about 10 to 1."

While wolf/dog hybrids are the most notorious wild/domestic animal crosses within America's pet landscape today, they are not the only ones. Along with wolf dogs, dog/coyote crosses, or coydogs, and domestic cat/wildcat hybrids, also exist. The presence of these animals among us is steeped in a morass of ethics, legalities, rights and responsibilities, public safety, politics and heated emotion.

What is a hybrid?

A hybrid is a cross between two parental lines of chromosomally compatible breeding populations, whether it be a cross between two domestic purebred dogs or cats, a domestic dog and a wolf or a coyote, or a domestic cat and one of several types of wild felines. Classic wolf dogs are typically crosses between wolves and Alaskan malamutes or German shepherds. The most common cat hybrid is the Bengal, a cross between a shorthaired domestic cat, commonly an Egyptian Mau or Abyssinian, and an Asian leopard cat, which is not to be confused with the leopard. Other cat hybrids have been created by crossing domestic cats with wild jungle cats, servals and even bobcats.

The intent behind such breeding practices is to create a creature with the appearance of a wild animal and the temperament of a domestic pet. Breeders often pursue this goal with little regard for the physical and temperamental quality of their breeding stock. Yet even with close attention to such details, when musical DNA comes into play, all that is standard in the results is the unpredictability of it all. As Boston, MA-based Tufts University geneticist and certified applied animal behaviorist Alice Moon-Fanelli, Ph.D., explains, there are no guarantees in this particular breeding mission.

Not all hybrids are created equal–even within a given litter–and therein lies the problem. As Stephen Zawistowski, Ph.D., Senior Vice President, ASPCA Animal Sciences states, "When two different parental lines are crossed, this mixes the genetic variation between the two lines, so that you cannot predict which traits are inherited by a particular offspring. While predictability on a statistical level may be established after breeding thousands of progeny, you won't necessarily know on an individual level."

Some hybrids, both feline and canine, are willingly and easily trained – and some aren't. Some people sing the praises of coydogs with friendly, outgoing personalities. Others consider skittish coyote hybrids with territorial fear-biting tendencies more common. After spending more than two decades working with coydogs, Moon-Fanelli concurs with the latter camp. (see "How Coy Maggie Is")

A hybrid can be both well-behaved and beautiful, but too many harbor unstable temperaments. Combining this with hybrid vigor, or increased size and strength, results in a potentially overwhelming –

and dangerous – pet. "The unpredictability and the fact that you cannot generalize their behavior are what make [wolf dogs] so dangerous," says Moon-Fanelli, who has offered expert testimony in wolf-dog attack cases.

Dog vs. wolf

The problem, she explains, revolves around the profound differences between dogs and wolves. While domestic dogs have been selectively bred for centuries to submit to the bidding of humans – including attacking and releasing on cue – a wolf's survival revolves around dominance, independent thinking and pack structure, which results in a natural bite inhibition, as one can't go around mortally wounding one's packmates.

"But when you take the wolf's desire for dominance and the predatory behaviors that are innate – genetically intrinsic – to this animal, and combine that with a doggy background, you can end up with an animal with the wolf's dominance and excessive predatory behavior and a reduced biting inhibition," explains Moon-Fanelli. "In my experience, the wild influence also tends to dominate, which can lead to dangerous problems in the domestic setting."

Just how many wolf dogs exist is unknown. Estimates of America's wolf-dog population, for example, range anywhere from 300,000 to more than one million. To date there is no DNA test to determine what truly is or is not a hybrid, and looks can be deceiving.

Many so-called wolf dogs are not hybrids at all, their owners having been told by unethical breeders or well-meaning "experts" that their large, wolfy-looking domestic pets were bonafide wolf dogs. The harm in believing a gentle, obedient domestic dog is part wolf comes when one generalizes this misleading experience.

Wolf in dog's clothing

"People who think they have a 'wolf' and then get the real thing only realize they have taken on a far more difficult animal after the animal begins to mature," says wolf expert and photographer Monty Sloan of Wolf Park, a renowned wolf/wolf-dog sanctuary and educational center in Battle Ground, IN, which is contacted weekly by people seeking new homes for their wolf dogs. "Considering that early experience is so critical to canines, if these owners are not quick to realize they have a lot more responsibility and work on their hands, they may fail the animal completely."

Proper care is most critical in the areas of training and socialization. "To create bonds of trust with a wolf or wolf dog, you need to spend 24 hours a day with it, starting at about 10 days of age," says Brett Martin, education director of the Ramah, NM, wolf and hybrid sanctuary Candy Kitchen Wolf Rescue. "But this only maximizes the chances of socialization – it does not guarantee it."

The case against hybrids

Consider, for example, the potential unpredictability of a cat hybrid, perhaps an early generation Bengal (enthusiasts claim that by the fourth generation, Bengals are no different from any other domestic cat). Most of the cat hybrids whom exotic animal trainer Diana Guerrero of Ark Animals in Escondido, CA, has seen have exhibited "timidity and extreme nocturnal activity, a lack of ability to integrate or accept change and an aversion to interaction with people." Their guardians, in turn, become frustrated by such behavior patterns in pets whom they had expected to look like leopards but behave like cream puffs. In response, says Guerrero, "some breeders have recommended declawing and defanging for the safety of visitors or family members."

The law of the land

Numerous state legislatures have already enacted laws to prohibit or at least regulate wolf hybrids. Michigan is currently addressing the problems of wolf-dog ownership with legislation that went into effect in July 2000, which requires sterilization of all hybrids and mandates stringent care requirements. A wolf dog in Michigan must now by law be housed in a securely anchored, escape-proof enclosure constructed of brick, concrete or chain link, with a minimum 900-square-foot floor. The animal must be properly fed, watered, sheltered and receive routine veterinary care, and his home must be kept clean and well-ventilated.

Eileen Liska, former staff member for the Detroit-based Michigan Humane Society (MHS) and lobbyist for the organization since 1990, sees this legislation as a necessary step. "Michigan has a generic dangerous animal act that kicks in after there is a problem," she says. "The animal gets one free bite. But one free bite doesn't work here. Hybrids don't act like other aggressive dogs. In most cases, they give no warning; they just snap and become a predator. Laws are written for the norm, and the norm is that with wolf hybrids you don't know what you've got until it's too late."

Untimely fates

When owners realize that they cannot satisfy a hybrid pet's needs (and most can't), they turn to shelters and sanctuaries for rescue – if their animals are lucky. Some, on the other hand, set the animals free to fend for themselves or chain them in the backyard. Euthanasia is far more humane – this is typically the fate of any hybrid involved in a bite incident. To date there is no approved rabies vaccine for hybrids of any species, so the animal must be destroyed to determine whether the human victim will require rabies treatments.

The Michigan Humane Society accepts wolf dogs but doesn't adopt them out. By law the animals are held for four days, after which they are euthanized. "These animals present a liability both financially and morally to shelters," states MHS shelter manager Sherry Silk. "Adopt them out and you're putting time bombs out there. Shelters just shouldn't be doing it." And most shelters today are not.

Though MHS' shelter receives fewer wolf dogs these days than in years past, it continues to receive calls from would-be wolf-dog adopters. "What doesn't make sense to me is that we have all these sweet, beautiful dogs in need of homes who would make wonderful pets," says Silk.

Meanwhile, breeders continue to advertise wolf dogs who are "great with kids" and perfect for every owner and every living situation. Unknowing prospective owners buy the lies, inspired perhaps by recent viewings of Never Cry Wolf or Animal Planet's Call of the Wild series. Candy Kitchen's Martin cites two primary reasons that people are drawn to wolves and wolf dogs as companion animals. First and foremost, there are those who regard these exotic pets as a means of distinguishing themselves as unique or different from other people. Or, Martin states, "some people feel an emotional, spiritual connection to the wolf, and this compels them to want to share their lives with captive-bred wolves or wolf dogs."

But the romanticism of owning a wolf hybrid is shattered when caretakers discover that these consummate escape artists require a large enclosure with a minimum eight-foot fence that is anchored deep within the ground to prevent excavation; that their needs for a high-quality, meat-based diet can be enormously expensive; that they probably cannot be housetrained, and that their greatest joy is tearing apart furniture and turning the backyard into a battleground ripe for trench warfare.

"Nearly every person I have talked to who had problems with their animals, especially those with insurmountable problems, had been given little or no information from the breeder," says Sloan. "Or the information provided, such as 'just treat them like you would a dog,' was totally insufficient. Any good dog

breeder, never mind a wolf-dog breeder, should do his best to talk a buyer out of getting one of his pups: tell them all the downsides and problems previous buyers have had, and supply references to owners of previous litters."

As Martin explains, one of the most common – and potentially dangerous – mistakes that people make with canine hybrids is "thinking they can be raised like domesticated canines. But wolves and wolf dogs are generally too intelligent and independent to be told what to do and to adopt our rules as their own."

In defense of hybrids

The pro-wolf dog camp found justification for their choice of pet during the last decade when the scientific community officially proclaimed wolf and dog to be members of the same species. In addition, the U.S. Department of Agriculture is currently reviewing the possible approval of a rabies vaccine for wolves and wolf dogs. Nevertheless, responsible hybrid enthusiasts, acknowledging the potential problems that these animals present with or without a rabies vaccine, agree that education is key to long-term hybrid success and safety.

"I would advise anyone wishing to obtain a wolf dog to first take whatever time is needed to gain an insight into what is required to care for one in a responsible, safe manner," says Greg Largent, vice president of the Iowolfer Association, which works to promote responsible wolf-dog ownership.

"A responsible owner will take all measures possible to supervise the animals carefully when visitors are in the animal's area to avoid any potential problems," explains Dorothy Prendergast, editor of The Wolf Hybrid Times.

"Those who breed and keep wolf dogs with no regard for the outcome of the progeny are the biggest problem facing the wolf-dog community," says Largent. "I believe that wolf dogs have lost some of their allure, but there are more breeders than ever. Breeder contracts, return policies, housing and containment, feeding and training and laws governing the ownership of wolf dogs – responsible breeders cover these topics and much more before placing their animals."

Also facing the pro-hybrid, particularly the pro-wolf dog camp, is the issue of regulation. In the wake of an attack, the public invariably cries out for legislation that will restrict or even ban these animals. But this, too, presents a quandary. "Due to misrepresentation and the inability to accurately identify wolf dogs through DNA testing," says Candy Kitchen's Martin, "we have no truly concise idea of how many wolf

dogs exist in this country. How can you regulate a problem when you can't even properly identify the population'"

Hybrid futures

The heated arguments that hybrids inspire are rooted in the potential threat these animals present to the public. But when pondering the status of hybrids within our society, we must also think about the well-being of the animals themselves.

"The biggest concerns I have are for the safety of the breeding animals – their housing conditions, the impact on the wild animal trade and genetic dilution," says wild/exotic animal trainer Guerrero. Given the many unethical people involved and the multiple generations of breeding animals often required to achieve a decent hybrid pet, how can we ignore the suffering that so many of the animals endure to satisfy the end goal?

Hybrids tax the already limited resources of the nation's animal shelters, both in the number of animals needing sanctuary, as well as the potential liability they present. The reputation of the wild creatures who contribute to their creation is also at stake. Every time a hybrid pet is involved in an attack, the animal tarnishes the reputation of wild predators, something that they can ill afford in our ever-burgeoning urban society. The same holds true whenever a frustrated owner abandons a hybrid to fend for himself. While the animal may not survive, he can also become a menace, destroying livestock and property or attacking humans.

Those concerned about wild wolf populations have good reason to worry about wolf dogs running loose and wild, especially during this very sensitive time when wolves are being reintroduced in various regions of the country. Aside from the effect that their breeding with wild wolves would have on the pure wolf gene pools, there is no better ammunition for opponents of reintroduction than the behavior of unstable part-wolves who don't understand the protocols of life in the wild, i.e., choose proper wild prey and avoid humans.

So what is the answer? Outlaw the animals, say opponents. But is that feasible? "It's a double-edged sword," says Martin. "Surplus captive-bred animals are a problem on a national scale, but I don't believe that any federal regulation can phase out excess breeding. Unfortunately, that leaves only one choice: banning. However, banning would probably just send it all underground, and public awareness would greatly decrease over time."

The answer – other than convincing would-be owners that a wolfy-looking Malamute or a shelter cat with tiger stripes might be a better pet choice – probably lies somewhere in the realm of compromise. Over the past decade or so, more states and communities have issued regulations on the keeping of hybrids, particularly wolf dogs, and more are expected to follow Michigan's lead. Also gaining attention is the idea of self-policing – many hybrid proponents acknowledge that if they themselves fail to look out for the well-being of their animals and the general public, someone else will. But just how self-policing might be carried out remains unanswered.

Sloan believes that standardizing the information that is distributed to potential buyers by breeders would help. "Also, as with dogs, there seems to be a strong genetic component in personality characteristics in wolves," says Sloan, who has worked with thousands of wolves and wolf dogs. "I have seen many different lines of pure wolves that exhibited behavioral characteristics that made some easier to work with in captivity, while others were much more problematic. Selective pressure to produce animals who are better suited to live in a pet environment would make sense, but a protocol would have to be designed – and adhered to." To this statement, Zawistowski of the ASPCA responds, "That already happened 15,000 years ago – that's why we have companion dogs in the first place."

The ardent supporters of feline and canine hybrids insist that they breed and live with hybrids because they love wolves, coyotes or the world's wild cats. Equally passionate wildlife advocates who do not consider these "four-footed Frankensteins" acceptable receptacles for those precious wild genes, counter that anyone who loves wild creatures would never dream of diluting them with domestic blood.

But beyond this argument, we must simply think of the animals. Too many fall through the cracks. "For all those people who say they have a good hybrid, wolf or coyote, I say 'What about all the others who aren't so good?'" asks Moon-Fanelli. "Plus, these animals can be dangerous, and they can be miserable. I've worked with some coydogs [who] were not well or happy dogs – real social misfits. Some are quite fearful, nervous and anxious about everything in their environment. Their fear prevents them from enjoying their daily lives, and that's very sad."

Silk experiences that sadness whenever she is assigned the duty of holding a wolf dog for the required four days prior euthanasia. "Most are so aloof," she says. "They behave so differently because of their wild blood. They sit there with this tortured look in their eyes, and I feel so bad for them."

"Wolf dogs can be a very rewarding experience for those who are capable of and willing to meet the animals' needs," says Sloan. "However, because so many dogs in general are failed by negligence, misunderstanding and a simple lack of resources, the far more critical and demanding nature of a wolf or wolf dog narrows the margin of error considerably. Most good dog owners would not make good wolf-dog owners. The demands of the animals would simply exceed their resources."

To help the public recognize the reality of those demands, Iowolfer's Largent explains that "there is presently a movement underway within the wolf-dog community to unite together to concentrate on the educational aspects of wolf-dog ownership, and to provide a location where the betterment of the wolf dog, rather than the betterment of the wolf-dog owner, will be sought."

In this spirit, Iowolfer is working toward seeing that every wolf dog is sold to "fully screened, well-informed and educated folks" who can and will uphold the tenets of responsible guardianship. Yet for the sake of all hybrids, as well as children like Cody Tyler Fairfield, the ASPCA recommends that these animals not be kept as pets. Not only should all existing hybrids be spayed and neutered, but no more should be produced.

Freelance writer Betsy Sikora Siino resides in New York State

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

TO: SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

RE: PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)

I am a long-time Anacortes resident and my property is adjacent to Predators of the Heart on Welch Lane. I have been at their facility, know the operators and have personally observed many issues over the years they have been in operation.

I have respectfully request that their application for a Special Use Permit be DENIED for the following reasons which I will summarize:

1. Incomplete and false application
2. Illegal Activity in Skagit Count
3. Access & easement issues
4. Public Safety & Health
5. Public & private nuisance
6. Citations & Complaints
7. Neighborhood Impact

First by way of background, Predators of the Heart (POTH) is a well established local organization that was originally operated in a residential house in SkyLine. After numerous well publicized incidents and citations[1] the City of Anacortes forced them to move to their present location which is in a quiet residential neighborhood and immediately adjacent to the Anacortes Community Forest Lands. Since moving there they have constructed an ad-hoc compound housing numerous exotic and hybrid animals and monetized the operation using AirBnb Experiences. It was as a result of their negative impact on the local community and generalized public outcry that Skagit County revised their exotic animal ownership laws to prohibit this type of activity. Skagit County subsequently sued POTH but dropped the case for unknown reasons. Since that time the operators of POTH have divorced and the property ownership was transferred to the POTH 501c3 who is applying for the Special Use Permit.

Based on this background information, at a high level here is a summary of my reasons whey POTH should be denied their special use application & requested permit:

1. Incomplete and false application
    a. The application is incomplete in that it does not address the access & easement issues and their ability to use the associated roadways.
    b. The application is incomplete in that POTH does not address how they plan to compensate the existing homeowners for the construction and maintenance of the Welch Lane – to this date POTH has not contributed anything to its construction nor ongoing maintenance.
    c. The application is incomplete in that it does not address the issue that the facility in un-manned every night and when issues occur it is left to the neighbors to notify them.
    d. The application is incomplete in that POTH does not address the training, education and associated financial plan associated with the facility operators as required by all accrediting agencies such as the American Zoo Association.
    e. The application is false in many areas, but let me summarize a few:

[1] See City of Anacortes Animal Control Violations

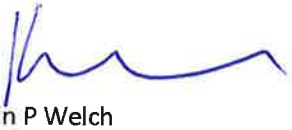
i. POTH does not acknowledge the fact that the primary mechanism they use to perpetuate their business is by breeding hybrid wolf dogs and that selling the excess animals, further compounding the national exotic animal problem
ii. POTH claims that there has only been one animal escape and that it wasn't their fault – I personally witnessed the latest escape and have observed numerous other escapes by a variety of animals over the last few years (and those are the ones that I know about).
iii. POTH claims that there have been no noise complains – I personally have filed 4 complaints but the County thus far has declined to take enforcement action. I also know that almost every other neighbor has complained about this issue.
iv. POTH in their application seems to imply that they are approved by Skagit County Animal Control, Fisheries and Wildlife, and the USDA. While some agencies may give them animals and have issued them licenses, POTH has citations with every regulatory agency I have spoken with and is most certainly not in good standing with any of them.

2. Illegal Activity in Skagit Count – the ownership of exotic animals such as those possessed by POTH is clearly illegal in Skagit County. POTH seems to believe they are exempt from these rules in that they exhibit (once a year) at a State Fair or some other exhibition. This is an abuse as their primary business is providing the public with exotic animal uncounters. They claim they are educational but have no staff with documented education or outside experience in this area. They claim there are a sanctuary but they use their animals in ways that are not natural to their normal existence plus they breed more of them.
3. Access & easement issues - Welch Lane was created by a short-plat and its use was limited to four (4) residences in addition to the pre-existing Friedmann residence. If this permit is approved it will in effect void the conditions imposed by Skagit County when the road was created and contributed significantly to the wear & tear of a roadway which is already in poor shape. Furthermore POTH has never contributed both to the construction and maintenance of this roadway yet wants to expand their use of it.
4. Public Safety & Health – POTH has clearly demonstrated by their historical actions that they have no regard for public safety. As mentioned above there have been numerous animal escapes that we know of and many others that we don't know about. It is only a matter of time before someone is seriously hurt. The property is unattended at night and all it takes is a tree to fall and their animals could be released to the adjacent properties and park. Since POTH has moved in I have noticed a 10x increase in rats and vultures who appear to be feeding of discarded food scraps. Another area of concern is the risk POTH poses to guests and employees. I have documented cases in my possession of injuries sustained by POTH guests and employees, the existence of these POTH has been actively trying to suppress.
5. Public & private nuisance – the presence of POTH represents both a public and private nuisance that discourages the public from using portions of the adjacent community forest lands due to animal escapes; plus it has diminished the property values because people do not want to live close to the noise, traffic and safety risks posed by the operation.
6. Citations & Complaints – as mentioned previously POTH has an continues to receive citations from every jurisdictional agency – County Sherriff, animal control, WDFW, USDA and so on. The neighbors have complained to the Commissioners who changed the rules but POTH lives on claiming that they are only dogs yet advertising they are wolves.
7. Neighborhood Impact – neighbors are very, very concerned about the impact POTH is having on their community – the noise of wolf dogs howling day & night, the traffic impact, our lack of ability for the quiet enjoyment of our property by us, our children and our pets.

KPW

In summary, exotic animal operators such as POTH represent a national problem (see the NetFlix Tiger King) that we have to deal with locally. This business has been a bad actor for a long time and as a result I respectfully request that the special use application be DENIED.

Sincerely,



Kevin P Welch
Anacortes, WA 98221
360-708-8516 cell

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

TO: **SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES**

RE: **PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)**

I am a long-time Anacortes resident and frequent the private properties and city park adjacent to Predators of the Heart on Welch Lane.

I have been personally impacted by their operation and respectfully request that their application for a Special Use Permit be DENIED due to the adverse impact in the following areas:

1. Public Safety
2. Public & private nuisance (noise, rat infestation for example)
3. Traffic impacts in a private residential area

Sincerely,

Heather (Little) Jennings
(360) 770-8894

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

TO: SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

RE: PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)

I am a long-time Anacortes resident and frequent the private properties and city park adjacent to Predators of the Heart on Welch Lane. There are several things that I am very concerned about when visiting this area:

1. Safety
2. Inadequate enclosures

My wife and I have three boys ages 1, 5, and 7 and we love to hike in the Anacortes Forest lands. My wife will often take my boys and explore the forest land trails in that area while I am at work. On multiple occasions, we have learned of wildlife that have escaped from the Predators of the heart location and been found in the nearby woods. On the most recent occurrence, my wife and kids were walking in the forest lands and later learned they were just around the corner from where a wolf had been recaptured after several had escaped. My wife and I are very concerned for both our safety, and the safety of our children.

Another area of concern for us is the enclosures in which the animals live. On multiple occasions while driving by, we have seen trees that have collapsed part of the fence and observed holes in and around the fence. Although the fences are deemed "electrically charged", with debris hanging on the fence, and with sections of the fence overgrown with branches and shrubs, it is no wonder the animals continue to escape. With the damage and disrepair, we have observed, as well as continued wolf sightings in the surrounding areas, it is obvious that the enclosure are inadequate to keep the animals contained.

I am respectfully requesting that the application for a Special Use Permit for the Predators of the heart be DENIED.

Sincerely,

Deedra Benson

360-982-0406

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

TO: SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

RE: PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)

I am a long-time Skagit County resident and frequent the private properties and city park adjacent to Predators of the Heart on Welch Lane. There are several things that I am very concerned about when visiting this area:

1. Safety
2. Inadequate enclosures

My wife and I have dogs and a 12-year-old son, and we love to hike in the Anacortes Forest lands. As a family, we frequently explore the forest land trails in that area. On multiple occasions, we have learned of wildlife that have escaped from the Predators of the heart location and been found in the nearby woods. My wife and I are very concerned for both our safety, and the safety of our children.

Another area of concern for us is the enclosures in which the animals live. On multiple occasions while driving by, we have seen trees that have collapsed part of the fence and observed holes in and around the fence. Although the fences are deemed "electrically charged", with debris hanging on the fence, and with sections of the fence overgrown with branches and shrubs, it is no wonder the animals continue to escape. With the damage and disrepair, we have observed, as well as continued wolf sightings in the surrounding areas, it is obvious that the enclosure are inadequate to keep the animals contained.

I am respectfully requesting that the application for a Special Use Permit for the Predators of the heart be DENIED.

Sincerely,

Nicholas Anatole Leonovich
360-421-8800

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

TO: SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

RE: PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)

Hello,

I am a 14-year Anacortes resident who frequently hikes throughout the Anacortes Forest lands, particularly the trails near Little Cranberry. Last year's news of escaped wolves killing a neighbor's dog was very distressing to hear. What if it was a small child? That was not the first time that wolves and other animals have escaped the enclosures at Predators of the Heart.

The location is much too close to residential homes and the very popular Anacortes Community Forest Lands. The special-use permit should be denied.

Sincerely,
Jessi Williams



Dear Skagit County Planning and Development,

I, Nolan Berlin, resident at 4548 Welch Lane, have become informed that recently Predators of the Heart (POTH) has applied for a special use permit application. I'm writing this letter today to voice my concerns as a very close neighbor to this operation.

One of my main concerns with POTH is safety. In the past, there has been multiple escapes of animals. I purchased my home and property in March of 2015 knowing there were animals (wolves) next door. I didn't really know what to expect. Within the first week of moving in, there was an escape. A black fox, not something you would see in the wild around here. I ran inside and grabbed a rifle not knowing what to expect with a wild animal that has been in captivity. A short time later, I saw four POTH employees wandering the neighborhood looking for the fox. Hours later, the animal was coaxed back into an enclosure. They were unable to catch it by hand which led to herding it back into a fenced area. No warning or heads up by staff to the neighbors at all about the escaped fox. A short time later, there was a wolf attack on a dog in the Anacortes Community Forrest Lands, a bordering public use area with multiple trails to hike, bike, horse back ride, and motorcycle. Dave Coleburn was offering tours in this great area with guests after visiting with the wolves. Unfortunately, the owner of the dog wandered down an illegal handmade trail made by Mr. Coleburn and was met by a wolf that pulled away from its handler and that was the last breath that dog ever took. So now in the short time that I had lived on Welch Lane, there were two escapes, one being deadly with a domesticated dog. Shortly after that happened there had been another escape with a young wolf that wasn't recovered until the next day. So there was a dangerous and confused wolf wandering overnight unsupervised. I know this organization says they have only had one escape ever and that's a huge lie.

Early in 2020 we were sitting in the living room of our home when a ladder firetruck showed up on the road in front of our house. They set up the stabilizer jacks and started lifting the ladder. Wondering what all the commotion was about we went outside to discover a loose macaw bird in the tree, squawking away, loud as can be. The attempt to capture the parrot was unsuccessful when approached by a human on the firetruck ladder. The bird eventually flew away closer to the POTH facility after disrupting the neighborhood. It was later captured.

Later in 2021, three wolves dug out under an outdoor, fenced, roaming area. It was about 9:30 AM. Unfortunately the neighbors dog was the target in this situation. The dog was quickly surrounded by three wolves in his front yard and completely shredded within minutes. POTH has lied to the community about the extent of the attacks and said the dog provoked the situation. A complete lie again. POTH attempted to offer the owner of the dog a sum of money to keep quiet about the situation.

Being a neighbor to this place has had high stress on me with having three sporting dogs used for waterfowl and upland game hunting. We are no strangers to wild and dangerous animals, but the animals POTH house are completely unpredictable. It's sad I have to fence in a dog on our five acre property for safety concerns of a wolf possibly escaping.

When POTH teamed up with Airbnb in 2017 more problems started. In one week, I had over a dozen cars driving past my house, down to our horse pastures looking for POTH. After a brief argument, proper signage was put up, but that didn't seem to help the traffic much. We still had sometimes up to four cars a day coming to our house at the end of Welch Lane. The traffic the airbnb has brought has been stressful on everyday life for us. Imagine sitting in your hot tub on your deck and watching a car with four four people in it from Oregon scanning your property while the driver is lost looking to turn around in your yard. Unacceptable. This organization needs it's own access off Havekost if it is going to continue operations.

Another main concern I have is all of these animals are left unattended every night. No person lives on the 10 acer property with the animals. Living in the forest with high winds in the winter time, it's only a matter of time before a tree is blown down onto an enclosure and animals are escaping. In all reality, this is terrible location for POTH. Everyone I have talked to says they would like to see them relocate to a safer non-residential area. We use to get dead chickens, cow bones, and rotten meat dumped in our yard from ravens and crows taking it from the enclosures trying to get it back to their nest to eat.

We have recently brought my first son into the world to grow up on Welch Lane. The last thing I want to see is a wolf escape and kill a child. Possibly being my own. It doesn't need to come to that extent for the place to be shut down. I'm willing to do whatever it takes to keep POTH from expanding. Please leave open ears for the neighbors on Welch Lane who have had to live next to and deal with consequences from Predators of the Heart.

Thank you,

Nolan Berlin



5/5/2022

4548 Welch Lane
Anacortes, WA
98221

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

Dear Skagit County Planning and Development,

I am a Welch Lane resident and I am strongly against Predators of the Heart (POTH) acquiring permits to expand their operations.

First off, Welch Lane is a private road, yet with all of the traffic that POTH's Airbnb experience brings, the lane feels very public. Since POTH has failed to post adequate directions to their establishment my driveway has become a turn around for their confused and lost customers. I've had up to four cars a day drive onto my property in search of POTH. This is very disrupting and avoidable if POTH didn't operate their business on a private road.

Secondly, POTH has proven they can't provide inescapable cages for their animals. Their wolves, foxes, and macaws have all escaped during my time of living on Welch Lane. I fear one of their cougars will escape next. Will my young son get attacked by a cougar or a wolf when he is out exploring his own property? I also have three dogs who love living on five acres. I have them fenced in most of the time, but I do let them out to run around my property on occasion. I worry that an escaped wolf will run onto my property and kill one of my dogs like the wolves did to my neighbors dog last fall. I shouldn't have to worry about these very potential scenarios. I could rest assured if POTH could keep their animals enclosed, but they can't. Why should they be approved to exist, let alone expand?

Thank you for taking the time to read my concerns,

Millicent Swietzer

Millicent Swietzer
5/5/2022

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PETITION

We the undersigned are in opposition of Predators of the Heart special use application on file with the Skagit County Planning Department:

SIGNATURE	Printed Name	City	Phone Number
	Donald Williams	Anacortes	530-228-6158
Margaret Williams	Margaret Williams	Anacortes	530-228-6158
	Jenny Welch	Anacortes	360-708-8536
	David Williams	Anacortes	530-228-6158

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Petition

We, the undersigned, are in opposition of Predators of the Heart special use permit application

signature	Printed name	city	Phone number
Carrie Apple	Carrie Apple	Anacortes	360-630-1830
[illegible]	JUDE APPLE	ANACORTES	360 630 1839
[illegible]	Jake Verschuyl	Anacortes	360 391 4988
[illegible]	Eric Adam	Anacortes	720 560 3688.
Julie Slater	Julie Slater	Anacortes	360 770-6040
[illegible]	K. QUINN HANKS	ANACORTES	360-202-5211
[illegible]	Austin Hanks	Anacortes	360-610-2231
[illegible]	Ed Clauson	Anacortes	360-770-8815
[illegible]	Rob Billow	Anacortes	360-708-3069
Charlie Drew	Charlie Drew	Anacortes	720-469-8803
[illegible]	Tabb Stranger	Anacortes	360-720-1271
[illegible]	Jim Kriel	Oak Harbor	3609140201
[illegible]	GARY PARKER	COUPEVILLE	360-678-6216
[illegible]	Carl Furnsen	Anacortes	360-914-7437

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PETITION

We the undersigned are in opposition of Predators of the Heart special use application on file with the Skagit County Planning Department:

SIGNATURE	Printed Name	City	Phone Number
		Anacortes	206 940 0020
		Anacortes	360-391-7897
	Ann Rogers	Anacortes	360-298-8576
	Giuliano element	Anacortes	(206) 702-3452
	Stephanie Litchfield	Sedro-Woolley	360-202-7060
	ISAAC DOANE	Anacortes	360-202-6970
	Heather Holmes	Anacortes	206-931-7709
	Lion Motko	Friday Harbor	360 378-9566

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I am opposed to the POTH Special Use Permit Application File # PL22-0133.

Foremost the safety of the local neighborhood is currently in jeopardy due to a complete lack of management of the property. The cyclone fencing is wholly inadequate in containing the animals, as evidenced by the history of them escaping their enclosures. The APD has dozens of encounters on file due to the owners lack of knowledge and lack of adequate containment practices. I'm sure the Sherrifs Department has a similar record trail.

The most recent escape by three wolves digging out under the fence resulted in them attacking and killing the neighbors family dog. One wolf was the instigator and then others quickly chimed in once the dismembering of the dog commenced. This incident was witnessed and video recorded by one of the family members. That would be something that should never be experienced by anyone, and can't be unseen.

The shame of it is that the owner of POTH then went on Facebook and blamed the incident on everything but themselves. They took zero responsibility. And now are trying to buy the silence of the dogs owner.

This is not an isolated incident. More wolves from POTH attacked and killed another dog on the ACFL trails a few years ago.

There are many young children in the neighborhood, a few toddlers. We have three grandchildren and we should be able to let them play in our yard and as they get older explore and play on our property. That's one of the reasons we moved out here 33 years ago. To be able to enjoy the serene natural beauty this area offers.

There is zero regard for our concerns by POTH, just empty promises and/or silence.

No one from POTH lives on the property. So the individuals with first contact is us. We would then call them (Ashley Carr) and relay the message that their animal(s) are lose or to alert them of an incident (which is what happened last fall when our neighbors dog was killed).

In regard to enclosures the animals are simply behind cyclone fencing. Even if its double fenced any of the large trees in the area could easily drop the fence to the ground in a windstorm.
Another issue is cleanliness, the food scraps that are not consumed by the animals are dumped on the ground. We never had a rat problem before they moved in and now we pay for quarterly rat extermination and have bait traps and spring loaded traps around our home and garage. I question where the animal waste ends up. There is quite a foul odor up on Mitten Creek that is downstream of the POTH property. That stream eventually ends up at Alexander Beach.
We shouldn't have any negative impact on the neighborhood, it should be neutral or positive. POTH brings a huge negative and most likely reduces our property values.

Please consider our concerns and deny the SEPA

Regards,

Dave Knutsen

Knutsen
4592 Welch Lane
Anacortes WA 98221

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KEVIN CRICCHIO
Skagit County Planning + Developmental Se
1800 Continental Place
Mount Vernon, WA 98273

98273-562500

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I am opposed to the Special Use Permit Application #PL22-0133 for POTH. I live on Welch Lane and am impacted by POTH in a negative way. Last fall our neighbors dog was killed and eaten by wolves that had dug out of their enclosure, came onto the neighbor's property and proceeded to attack and kill the family dog. That was just awful and heartbreaking for the family to witness. There are many small children that live out here and we ourselves have 3 young grandchildren. There is a huge concern for their safety and wellbeing. I am apprehensive of being outside of my house by myself and have concerns for my dog being safe also.

Since POTH has been in their current location we have had a rat infestation and have had to have a pest company come out and set traps. We have had a raven problem with them dropping old meat on our property.

There have been other instances when the wolves have escaped their enclosure and come on to neighbor's property, we have also had exotic birds that have gotten out of their enclosure. What we worry about are the wolves and cougars getting out. What is it going to take for POTH to be shut down or relocated, the killing of another dog or a child?

Regards,

Pam Knutsen

Knutsen
4592 Welch Lane
Anacortes WA 98221

SEATTLE WA 980
27 APR 2022 PM 6 L

KEVIN CRICCHIO
Skagit County Planning + Developmental Services
1800 Continental Place
Mt. Vernon, WA 98273

98273-562500

nutsen
Welch Lane
os WA 98221

SEATTLE WA 980
27 APR 2022 PM 6 L



KEVIN CRICCHIO
Skagit County Planning + Developmental Services
1800 Continental Place
Mt. Vernon, WA 98273

98273-562500

Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number: PL 22-0133

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PDS

Public Comment/Concerns

Matt Kozera
4577 Welch Lane
Anacortes, WA 98221

Home location
I live on the property that borders to Southside of the POTH property

Personal impact
I first want to emphasize that Predators of the Heart moved into a well-established residential area many years ago. In my opinion they need to be in a place that is far from any communities that they can potentially endanger and be isolated away from the public. The reason I believe this, is because of my experience on October 19th, 2021. I was at work when I got a call from my family that 3 of the wolves next door from P.O.T.H had gotten out and was killing our small dog in front of my Wife and Mouther in our front yard; I dropped what I was doing and got in my car to drive home. As I pulled into the driveway, I seen my father in-law was trapped in his car by one of the wolves and it came up to my Forrester and was so big it was looking me in the eye. My father in-law was yelling to me to stay in the car. I looked over to where my wife was and seen one of the wolves coming towards her as she was half inside our place yelling at the wolves that were playing tug-a-war with the dead body of our dog. So, I jumped out of my car to run into the house to get one of my guns, by the time I got it two of the workers had shown up and were attempting to gather up the wolves to not much avail so I put the gun down. Eventually they got the wolves and took them back to P.O.T.H. and right before animal control showed up I finally heard the crackling/bussing kick on of their electric fence to which I had not heard in a Very long time. After the incident P.O.T.H. posted on their Facebook page that their wolves were provoked but, in the police, report it states several times the attack was unprovoked. For several months I had dreams of the wolves getting out again and trying to attack my 3-year-old daughter.

Noise
We hear the wolves howling constantly throw out the day and night. It is so loud if you are outside you having trouble hearing the person you are talking to.

Community impact
We the community worry if we are safe in our own yards. I am heavily in opposition of P.O.T.H.'s current request.

Confused
1. How a sanctuary can operate as an air bnb,(non-profit).
2. How a facility can be unmanned for 20+ hours a day maybe even more.
3. How often a sanctuary is inspected to meet county standards/requirements.
4. How can a sanctuary continue to breed wolves and be sold for profit. It's for rescued animals and a non-profit facility, I thought?

Sincerely, Matt Kozera

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Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number: PL 22-0133

Public Comment/Concerns

Breanne Kozera
4577 Welch Lane
Anacortes, WA 98221

Home location
The property I live on borders to Southside of the Predators of the Heart property

Public nuisance
Poth moved in next door when I was a child and my parents and our family had been well established on our property for years. It immediately raised concerns. I remember evenings when I was young my parents told me we couldn't play outside because some wolves had escaped the compound. It was such a terrifying thought to me. Over the years, things have gotten increasingly worse. We would have swarms of ravens and vultures circling the skies over us when they would feed their wolves. One time an aforementioned raven dropped a piece of this meat onto my father's grill during a BBQ. Just disgusting. Another giant nuisance has been the rats that POTH's feeding methods have brought into our area. We never, ever dealt with rats growing up. It was a foreign idea to me. Ever since POTH moved in and started feeding their wolves in less than sanitary conditions, we have had rat infestations. They have destroyed two separate sheds on this property, both of which were half full with my own belongings that I have since had to throw out. These belongings included precious things from my childhood with serious sentimental value. They were so destroyed, we had to dispose of them all. The noise from the wolves is an entire other issue. They are so loud when they start to howl (which they do multiple times a day) that I often cannot hear others speaking when we're outside and we have to wait until they are done to continue our conversations. Their birds are also VERY loud and the sounds they make are INCREDIBLY obnoxious. Some of the scariest things I dealt with while growing up was when the wolves would escape. I remember being told that they cornered the neighbor dog in their garage and that thought scared me so much.

All of this, all of this fear and discomfort and damage, doesn't hold a candle to what happened to me October 19th, 2021. It was one of the worst days of my life, and I'm still dealing with heavy trauma from the event. I awoke to step outside and find my dog being torn apart by 3 escaped wolves. If that wasn't enough, POTH proceeded to make a public statement saying that my dog provoked their wolves before the attack happened. My dog was inside until 30 seconds before he lost his life. They also claimed that the wolves came back when called in this statement. I have video of the wolves repeatedly resisting and running away from POTH staff. And, that was only once we finally were able to contact them to collect their wild animals. It took twenty minutes (of which I have video evidence) for us to get in contact with anyone from predators of the heart (including driving up to their front gate. No one was there, no one answered.). In their statement, they insinuate they were aware of the escape the entire time. But, it takes quite a while for 3 wolves to dig under fencing. We have photographs of where the wolves escaped from. Why was nobody paying attention to these animals? Why are the containments so easy for them to escape from? Why, after all this failed responsibility, would you go onto social media, and publicly put false claims, pointing fingers at the victims? If this isn't evidence enough of the shady practices occurring at Predators of the Heart, I don't know what is. I am still suffering from side effects of the PTSD I obtained that day. I am scared in my own front yard. We didn't let our 3 year old daughter play outside

for 6 months after this event. Thank goodness she was at preschool that day and not outside, as the attack took place feet from her playground. Who knows what would have happened had the 3 wolves found her playing outside? These are the things that still haunt me, daily. At my own home. Sounds at night still send me into a panic. My daughter, for months, talked about the wolves 'making her dead.' Occasionally she still talks about it. The damage POTH has done to my life is irreversible and immense. They need to leave this residential area and go to a place that is *SAFE* for these wild animals to be, far away from homes and innocent people.

The false claims Poth made that day is evidence of the fake persona they display to the public. People blindly follow the image and lies they create on social media and believe they are what they claim to be. As someone who lives closely enough to see the dark truth, I ask you take the blind followers support with a grain of salt. They are unaware of the horrible things that actually go on at POTH and the horrible things I have had to endure in my everyday life for many, many years.

Please, please, do not approve this request by POTH. I am begging you, as a mother of a young child and another small dog, please allow my family to finally be safe and feel safe in their front yard.

Sincerely,
Breanne Kozera

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Best experience of my 80 years

My Best experience was when I came face to face with one of the most feared animals on earth, "The Wolf".

December of 2021 my daughter's birthday gift to me was a visit to Predators of the Heart in Anacortes.

One cannot just walk onto the property. On the day of our scheduled appointment we drove up to the entrance gate. Since it was securely locked my daughter called to let staff know we had arrived. A few minutes later a staff person escorted us inside the property. Once inside our small group of 6 was gathered together and given information on safety rules for the tour. Nothing raised any fear for me, just good common sense safety issues.

During our tour the staff interacted with the group in a very friendly and professional way. We were told how the wolves love to have their chests rubbed but not their paws. It was interesting to learn that wolves have their own unique personalities. They have been very misunderstood and horribly mistreated by humans.

The wolves were in several different enclosures. All wolves looked healthy and well cared for. Tails wagging, no snarls, no growls, only friendly barking and very curious looking wolf faces. They seemed as fascinated to see us as we were to see them.

We were allowed to pet only certain wolves. Yes, they love to have their chests rubbed!

My biggest joy was looking eye to eye with this beautiful Gods creature and howling together. My body felt the vibrations from his body.

What a gift. No evil wolf, just pure love connection.

Best Experience of My Life

Norma J Cossel

Norma Cossel

6060 Sands Way #26
P.O. Box 1223
Anacortes, Wa.
98221
Ph - 360-982-2471

For File # PL 22-0133

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May 5, 2022

Regarding file# **PL 22-0133**

Planning and Developmental Services
1800 Continental Place
Mount Vernon, WA 99273

I am submitting public comments regarding Predators of the Heart, also known as Because We Matter Sanctuary, in Anacortes, WA.

There have been multiple incidents in the time I've lived in Anacortes and some have resulted in escaped wolves, or wolf-dog hybrids, attacking and killing pet dogs. Once is more than enough and it should never happen again. The facility borders community forest lands that have public use trails. Everyone from small children to senior hikers, bikers and horse riders use these trails. The most recent incident that I am aware of was the escape of three of the wolves digging their way out of the facility and killing a neighbor's small dog in their front yard. This homeowner also has small children that use that yard.

There are plenty of documented incidents that involve concern for the safety of the community. There is also great concern for the proper safety and care of the animals in the facility. They call themselves a sanctuary but the wolves are bred in the facility. I watched a video shared by the current owner, showing all the cute new wolf pups after the escape incident in October 2021. It seems they may be using some loopholes with the wolf-dog hybrid designation as well as operating their tours through AirBnB. This seems like a tourism industry facility, not a sanctuary. It is odd they have designation as a religious non-profit.

I've read through police reports and inspection reports that are available and I do not understand why this facility has gotten away with as much as they have over the years. I hope that you will take very seriously any requests by this organization. The animals deserve better. At the very, very least, there should be no approvals for expansion. They can't seem to care properly for the animals they already have and I don't believe they are living up to the responsibility an animal sanctuary requires.

Sincerely,
Sarah Meyhoff
3809 Rockridge Pkwy
Anacortes, WA 98221

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File # PL 22-0133

5-2-22

Comments on predators of the heart
Planning and development services

To whom it may concern:

In regards to predators of the heart expansion. I vote no. They already have quite a few strikes against them. Their animals escape routinely. There is no proof these animals are resued. Rather than let them expand you should look into having them shutdown.

Sincerely,

Martine Felts
Anacortes, WA 98221



Mrs Martine Felts
1510 Skyline Way Apt 304
Anacortes, WA 98221

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Planning and Developmen
1800 Continetal Place
Mount Vernon WA 9

98273-562500
File # PL22-0133

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File # PL 22-0133

5-2-22

Comments on predators of the heart
Planning and development services

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Sincerely,

Martine Felts
Anacortes, WA 98221

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Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Jonathan M Fischer
2806 C Avenue
Anacortes, WA 98221

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed expansion of the Predators of the Heart facility. I am strongly opposed to this expansion due to the owners' lack of regard for the safety of the community and inability to keep the animals contained.

In 2018, a wolf from the Predators of the Heart facility killed my friend's dog, who was leashed. Since then, I have been appalled to learn that this happens every few years and is allowed to happen without consequence because the owner takes the animals to county fairs. This is absurd and can not be encouraged by allowing them to expand their facility.

Predators of the Heart is a liability for our community and a danger to our children and pets.

I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360)223-5360.

Sincerely,

Jonathan M Fischer

May 3, 2022
Skagit County Planning and Development Services
1800 Continental Place, Mount Vernon, WA 98273

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Dear Skagit County Planning and Development Services,

I have recently learned from Ms. Kay Mackenzie that *Predators of the Heart* in Anacortes is attempting to expand its services. I am adamantly opposed to any expansion. In fact, I am opposed to *Predators of the Heart* being on the Anacortes Community Forestland (ACF) border at all.

The concept of dangerous, predator animals escaping into the community forest is an ever-present danger. And forest trail runners such as my wife and I are confronted with that thought every time we run in the forest. With the COVID-19 pandemic I have noticed many more people using the ACF, and with e-bikes undoubtedly soon to be allowed, there will be even more people...not to mention people, such as myself, who have been long-term landowners or live on the ACF border. This is simply a set-up for a senseless and tragic encounter one of these days, and I shudder at the thought of the civil lawsuits that will arise from that.

I have been running in the ACF for 22 years. At first there seemed to be no fence along the ACF-*Predators of the Heart* border. Then, there was a partial fence. Now there appears to be a fence but nothing whatsoever substantial enough to keep a wolf in. There was talk of using electronic restraints to keep the animals in, but I cannot conceive of how that would deter a wolf seeking to escape. The *"danger-wolf"* signs that the police have put up in the ACF send a chill down my spine every time I see them.

As a community police volunteer, I was appalled in 2012 when a wolf escaped, was tracking a person's dog, and was captured but essentially tore up the truck bed the police put the animal in to transport it back to *Predators of the Heart*. I have been further appalled every time since then, that a full-blooded woof escapes or kills someone's pet.

Besides the danger to my family, the other frequent users of the ACF, and bordering land and homeowners, there is much documentation to substantiate maltreatment of the animals themselves over the years...which I'm sure you have available.

Bottom line, *Predators of the Heart* poses an exceedingly dangerous environment to the sizeable populace that uses the ACF. It has shown to be dangerous in the past and will continue doing so. Please do not allow any expansion. If possible, shut the operation down altogether!

Charles J. Davis
3916 West 6th Street
Anacortes, WA 98221

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Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Christina C Fischer
2806 C Avenue
Anacortes, WA 98221

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed expansion of the Predators of the Heart facility. I am strongly opposed to this expansion due to the owners' lack of regard for the safety of the community and inability to keep the animals contained.

In 2018, a wolf from the Predators of the Heart facility killed my friend's dog, who was leashed. Since then, I have been appalled to learn that this happens every few years and is allowed to happen without consequence because the owner takes the animals to county fairs. This is absurd and can not be encouraged by allowing them to expand their facility.

Predators of the Heart is a liability for our community and a danger to our children and pets.

I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360) 391-3084.

Sincerely,

Christina C. Fischer

Christina C Fischer

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MAY 06 2022
SKAGIT COUNTY
PDS

May 3, 2022

Planning and Development Services
1800 Continental Place
Mount Vernon, WA 99273

File Number PL-22-0133

Comments on Predators of the Heart Expansion Plan

To Whom It May Concern:

We live right next to the Anacortes Community Forestlands Trail #10 trailhead and my family regularly walks along that trail that runs very close to the Predators of the Heart facility.

I am concerned in general with the operation of that facility so close to residential areas with the problems they have had over the years with animals getting out of their enclosures and running loose in the area. We have a 14 year old daughter who walks with a friend and if they were to encounter a wolf or two, I am not sure how they would do trying to defend themselves.

When I heard about plans to increase the size of their facility, I felt it was important to write about my concerns based on their past history of incidents. They can't afford to have any incidents to keep the citizens of Anacortes and other visitors safe when enjoying nature and they haven't lived up to that expectation.

Thank you for the opportunity to feedback on this issue.

Chris Zimmerman

2416 37th Street
Anacortes, WA 98221

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MAY 06 2022
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Comments on The Predators of The Heart
File#: PL22-0133
Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Hello,

I am writing in support of Predators of the Heart. My name is (Leonard) Lennie Iverson, and I have lived in Anacortes for 58 years, since I was 2 years old. I have a been a supporter of Predators since its beginning in 1998. I have been involved in financial support, volunteer labor and I have also traveled with the former management to fairs, schools, churches etc. I am glad to know that under new management Predators no longer loads and travels with the animals, but instead focuses on their needs and the care of them for their best life. I stepped back from traveling with Predators because I did not feel that the animals were being cared for properly or given the best environment to live in. Now under the new management, I have seen this change from a traveling show to the rescuing and supporting of animals, and I have become involved again, as I know that Predators of the Heart is building its organization for the care and wellbeing of all animals. They are associated with Animal Control, Fish & Wildlife and others, being readily available when any need arises to rescue, protect, and care for them. The staff is very knowledgeable about the animals they take care of, and you can tell they have a true love for these animals.

Being able to conduct tours is good for Predators, as the proceeds go to help fund the feeding and care of these animals.

I think Predators is good for our community in that it brings people to our area which brings money into our local businesses. It can also be promoted by the town, which will help bring in these funds.

I would hope you get the opportunity to visit this establishment, as my involvement with them has enriched my life and has given me an appreciation for the animals

Sincerely,

Leonard P Iverson

Leonard Paul Iverson
1920 23rd Street
Anacortes, WA 98221
360-661-7823

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MAY 05 2022
SKAGIT COUNTY
PDS

FOR: Predators of the Heart

File# PL 22-0133

Comments on predators of the heart

Planning and development services

1800 continental place

Mount Vernon WA 99273

DO NOT LET PREDATORS OF THE HEART EXPAND!

Predators of the heart has been shady from the get go. They have been cited for negligence and neglect in the care of their animals by the USDA (the only people who will license them) several times over the years for not providing proper veterinary care, improper dilapidated housing and bedding for the animals, too little space for some of them, and even not enough water in some of the cages. Their animals escape routinely, once destroying a cop car (the owner lied to the police and told them they were rounding up a white German Shepard. Not a wolf. Putting them at risk) and most recently attacking and killing a neighbors pet after being loose for several hours.

These animals aren't "rescued" from anywhere. They are bought and sold, to and from other facilities like this one (for example they sell to the Olympic game farm, which has also been cited for animal abuse) and none of these animals are endangered. This is no different than the tiger king. When the county tried to shut them down the first time, they brought in a bunch of militia to stand guard, and stated that they would not listen to the courts ruling if they were asked to shut down. The county asked them to just stop breeding and taking in new animals and they could keep what they had, and instead they decided to bring in the armed militia.

We have an escape in 2012 that lasted for over 18 hours, in 2017 where someone's dog was killed, one again in 2018 where 3 wolves got loose and killed yet again another persons dog. That's not including the one this last fall.

This brings us to the change of ownership. Allegedly David Coleburn's daughter and ex wife now runs the place. What wasn't really known about was how that came about. According to court documents, erratic and dangerous behavior at POTH has been the norm for a long time. And all the while POTH was pretending like everything was just fine. We had an owner who would play with loaded weapons around guests, sexually harass other employees, and even ask employees to starve an alligator because he didn't want to clean up its poop. During the change of hands employees were locked out of the animals area, and went hungry and dirty. This is by the admission of the current owner. The animals by their own admission were fed inappropriate food, given no to poor vet care, and negligence. This is only coming to light because there was a hostile takeover of the facility by David Coleburns daughter and ex wife.

They say they want to run the facility better than David Coleburn did. But did they alert the community when he was committing this behavior before? No. They continued working for and with him. Maybe they are better than he was, but the fact is they covered for him for years. And then the most recent attack on a pet was under their watch. And they lied about it to the public. Their official statement says that the attack was provoked, when the police reports say otherwise. So it seems to be more of the same.

Justin, Tasha, Nash and Paige Kirby

3966 Rockridge Pkwy.

Anacortes, WA 98221

425-647-4755



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Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number: PL 22-0133

Public Comment/ Concerns

Michelle Elizabeth Barlin
1918 24th St
Anacortes, WA 98221

Home Location:
Our home is Northeast from POTH property
Public Nuisance:
Its discouraging to go to the forest lands where signs of warnings are posted. I thought we lived in a safe community? This is very disturbing
Personal Impact:
My In-laws live on the Southside border to POTH and we can't let our children out to play without constant supervision due to the many reported escapes of the wild animals.
Noise:
When visiting my In-laws there is constant animal noise, or construction.
Confused:
Why do we continue to allow this type of facility with all the reported animal escapes/ neglect? why would we want to expand this "non-profit" at all? Much less with the same family caring for these animals. I think we would be a whole lot safer if they were shut down all together.

→

How has this "non-profit" been able to operate as an airbnb at all? How can this "non-profit" be able to breed animals for profit when they claim to be a rescue?
There are many repots/court documents that indicate the wolves breaking out and killing domestic pets. What is the county prepared to do about this, much less if a human/child is attacked - or, heaven forbid, killed.
Please help make our community safer by shutting this facility down altogether!

Sincerely,
Michelle Berlin
Michelle Berlin

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Predators of the Heart Notice of Development Application
with optional SEPA DNS
File Number: PL 22-0133

Public Comment/Concerns

Brandon Michael Borlin
1918 24th St
Anacortes, WA 98221

Public Nuisance

Personal Impact

Noise

Odors

Cummunity Impact

Conclusion

Confused

1. How a sanctuary can operate as an air bnb, (non profit)
2. How a facility can be unmanned for 20+ hours a day maybe more.

3. How often a sanctuary is inspected to meet county standards/requirements.
4. How can a sanctuary continue to breed wolves and be sold for profit. It's for rescued animals and a non-profit facility, I thought?

Sincerely, Brandon Borlin

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MAY 09 2022
SKAGIT COUNTY
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Planning and development services
FOR: Predators of the Heart
File# PL 22-0133
Comments on predators of the heart
1800 Continental Place
Mount Vernon WA 99273

Our family finds it horrible that this facility continues to exist. They have had multiple episodes where their wolves have broken loose and killed nearby pets. We personally feel it as our dog was brutally killed by their wolves. They said it wasn't their fault because our dog was on their property. My father was walking our dog along the Anacortes trails and there was no fence, no sign indicating private property or wild animals. Our dog was killed 5 feet off the public trail, on a connecting trail that evidently was on their land. He would have been killed had he been standing 5 feet further away on the public property. The wolves don't know a property line. It could have been a child, not just a dog. Their record shows they can't control the animals they already have. An expansion would be a reckless action with more risk to the public. The owners of the property claim that they have control of the animals, yet they still get loose. What has to happen before they are finally shut down? Do they need to kill a young child walking the nearby forest land before anyone cares? They have proven they cannot control or contain the animals they have already, expansion would just increase the risk to the public.

David and Meg Mourning
2009 29th Place
Anacortes, WA 98221

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SKAGIT COUNTY
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COMMENTS ON THE PREDATORS OF THE HEART
FILE#: PL22-0133
PLANNING AND DEVELOPMENT SERVICES
1800 CONTINENTAL PLACE
MOUNT VERNON, WA 98273

Good Afternoon,

My name is Deanna, I am a lifelong resident of Anacortes, Washington, having been born and raised here since 1962. I am writing to let you know how important Predators of The Heart is to our community. I have followed them since they began in November 1998. I am excited that our community has a place like this to be able to truly care for animals. They are not a place for animals to be "collected for display", but they are an asset and resource for people in our surrounding area and beyond. Predators has recently undergone a leadership change, which was necessary, so this company can now provide the needed services they offer in the proper manner. The improvements which have been, and are being made, to this organization are phenomenal and show how much the employees care for these animals. Predators is connected with the Fish & Wildlife, Animal Control, USDA and other entities and help them in areas of need, such as confiscation of abused animals, a safe place for animals to live out their lives who would otherwise need to be euthanized, and restoration of animals who are sick, being able to restore them to their proper health and if legally permitted, return them to their owners. The organizations which they work with also include schools, churches, Make-A-Wish Foundation, and NAS Whidbey, who has called on them to care for situations on the Base. They have traveled to areas such as King, Snohomish, Skagit, Island, and Pierce Counties, and other areas to help State organizations rescue abused, hurting, and illegal animals. Animals help our world survive and Predators offers educational experiences and also tours through Airbnb to people so we can learn and grow from this knowledge regarding our animal world around us. The people who work at Predators are very well educated in animals and their jobs, and have a true heart for the care and survival of animals of all kinds. This show this in the diligent and tiring work that they do day in and day out, 24 hours a day, 7 days a week. We should feel fortunate to have such an organization in our community to be a resource to draw from for the animal kingdom.

They are also a revenue for the city of Anacortes and neighboring cities. People from all over the world have visited Predators of The Heart for an educational wildlife encounter, thus helping with the support and care of the animals. The visiting guests need places to sleep, eat, shop, gas up their vehicles and visit many of our attractions here in our community. People patron businesses upon the recommendations received from Predators of The Heart.

We would love to see Predator's remain in our community to help further the connection of a world between animal and people.

Thank you ~

Deanna K Iverson

Deanna Kay Iverson
1920 23rd Street
Anacortes, WA 98221
360-941-5602

From:	Gina Mousseau
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Friday, May 13, 2022 11:06:50 AM

From Dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, May 13, 2022 10:00 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Robin Neuman
Address : 3943 Rockridge Parkway
City : Anacortes
State : WA
Zip : 98221
email : Robincharlotte@sbcglobal.net
PermitProposal : Predators of the Heart
Comments : Dear Sir/Madam,

I have only been to this facility once. It was a wonderful life changing and mind blowing experience. At that time the facility was not under the management of M's. Carr, it was under her fathers management and I must admit he was part of the exciting energy.

I have met, by circumstance, visitors to Anacortes who are here to visit the facility only.

Now that people are traveling again I have quite the schedule of guests coming to visit. Taking them to Predators of the Heart is definitely on my list.

I note you have quoted a Skagit reporter about the death of a dog in past years. You might want to dig a bit deeper into the situation. The reporter did NOT.

Obviously, my vote is 'yes'. Please help to keep this wildlife sanctuary open and available with all the restrictions needed.

Thanking you in advance.

Sincerely,
Robin Neuman

From Host Address: 24.19.240.171

Date and time received: 5/13/2022 9:56:04 AM

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MAY 06 2022
SKAGIT COUNTY
PDS

May 3, 2022

Planning and Development Services
1800 Continental Place
Mount Vernon, WA 99273

File Number PL-22-0133

Comments on Predators of the Heart Expansion Plan

To Whom It May Concern:

We live right next to the Anacortes Community Forestlands Trail #10 trailhead and my family regularly walks along that trail that runs very close to the Predators of the Heart facility.

I am concerned in general with the operation of that facility so close to residential areas with the problems they have had over the years with animals getting out of their enclosures and running loose in the area. We have a 14 year old daughter who walks with a friend and if they were to encounter a wolf or two, I am not sure how they would do trying to defend themselves.

When I heard about plans to increase the size of their facility, I felt it was important to write about my concerns based on their past history of incidents. They can't afford to have any incidents to keep the citizens of Anacortes and other visitors safe when enjoying nature and they haven't lived up to that expectation.

Thank you for the opportunity to feedback on this issue.

Chris Zimmerman

2416 37th Street
Anacortes, WA 98221

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Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Christina C Fischer
2806 C Avenue
Anacortes, WA 98221

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed expansion of the Predators of the Heart facility. I am strongly opposed to this expansion due to the owners' lack of regard for the safety of the community and inability to keep the animals contained.

In 2018, a wolf from the Predators of the Heart facility killed my friend's dog, who was leashed. Since then, I have been appalled to learn that this happens every few years and is allowed to happen without consequence because the owner takes the animals to county fairs. This is absurd and can not be encouraged by allowing them to expand their facility.

Predators of the Heart is a liability for our community and a danger to our children and pets.

I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360) 391-3084.

Sincerely,

Christina C. Fischer

Christina C Fischer

Fischer
2806 C Ave
Anacortes WA 98221



FOR: Predators of the Heart
File # PL 22-0133
Comments on Predators of the Heart
Planning + Development Services
1800 Continental Place
Mt. Vernon WA 98273

98273$3625 0012

RECEIVED
MAY 06 2022
SKAGIT COUNTY
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Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Jonathan M Fischer
2806 C Avenue
Anacortes, WA 98221

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Predators of the Heart is a liability for our community and a danger to our children and pets.

I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360)223-5360.

Sincerely,

Jonathan M Fischer

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SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Jonathan M Fischer
2806 C Avenue
Anacortes, WA 98221

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I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360)223-5360.

Sincerely,

Jonathan M Fischer

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MAY 06 2022
SKAGIT COUNTY
PDS

Comments on The Predators of The Heart
File#: PL22-0133
Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Hello,

I am writing in support of Predators of the Heart. My name is (Leonard) Lennie Iverson, and I have lived in Anacortes for 58 years, since I was 2 years old. I have a been a supporter of Predators since its beginning in 1998. I have been involved in financial support, volunteer labor and I have also traveled with the former management to fairs, schools, churches etc. I am glad to know that under new management Predators no longer loads and travels with the animals, but instead focuses on their needs and the care of them for their best life. I stepped back from traveling with Predators because I did not feel that the animals were being cared for properly or given the best environment to live in. Now under the new management, I have seen this change from a traveling show to the rescuing and supporting of animals, and I have become involved again, as I know that Predators of the Heart is building its organization for the care and wellbeing of all animals. They are associated with Animal Control, Fish & Wildlife and others, being readily available when any need arises to rescue, protect, and care for them. The staff is very knowledgeable about the animals they take care of, and you can tell they have a true love for these animals.

Being able to conduct tours is good for Predators, as the proceeds go to help fund the feeding and care of these animals.

I think Predators is good for our community in that it brings people to our area which brings money into our local businesses. It can also be promoted by the town, which will help bring in these funds.

I would hope you get the opportunity to visit this establishment, as my involvement with them has enriched my life and has given me an appreciation for the animals

Sincerely,

Leonard P Iverson

Leonard Paul Iverson
1920 23rd Street
Anacortes, WA 98221
360-661-7823

From:	Gina Mousseau
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Monday, May 9, 2022 11:38:42 AM

From Dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, May 6, 2022 4:30 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Christopher Harris
Address : 4653 Welch Lane
City : Anacortes
State : Wa
Zip : 98221
email : Redbeard5451@hotmail.com
PermitProposal : PL22-0133
Comments : My family and I live near Predators of the Heart and have enjoyed the wolf howls coming from their property since we moved in.

That said, we are also concerned with the death of our neighbors family dog, last October, which occurred on their property by three loose wolves. The way Predators of the Heart handled this incident by blaming the victim dog, not taking responsibility and publicly omitting any fault of their own in order to sway the opinion of the uninformed is shameful.

Predators of the Heart needs to ensure the safety of the community and make this their priority above all else.

From Host Address: 50.34.98.200

Date and time received: 5/6/2022 4:28:12 PM

From:	Gina Mousseau
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Monday, May 9, 2022 11:38:04 AM

From Department email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, May 6, 2022 4:15 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Maren Mansfield
Address : 4653 Welch Ln
City : Anacortes
State : WA
Zip : 98221
email : marencita@mac.com
PermitProposal : PL22-0133
Comments : My family and I live on property very near Predators of the Heart. We have always enjoyed the howling of the wolves but have become more concerned about safety with the history of wolves escaping. The dog that was killed by 3 escaped wolves was my next door neighbor. The response from POTH on Facebook blamed the incident on an unleashed dog, which is legal in the county and should not be an excuse. A zoo could not blame an escaped tiger on being provoked by a dog. I am concerned that they didn't take more responsibility and blamed it on an outside force. This showed me they were more concerned with swaying public opinion than the safety of the community. I would be happy to continue to be neighbors with them if they took full responsibility for themselves and made the safety of all their number one concern.

From Host Address: 50.34.98.200

Date and time received: 5/6/2022 4:14:16 PM

RECEIVED
MAY 09 2022
SKAGIT COUNTY
PDS

May 5, 2022

Regarding file# **PL 22-0133**

Planning and Developmental Services
1800 Continental Place
Mount Vernon, WA 99273

I am submitting public comments regarding Predators of the Heart, also known as Because We Matter Sanctuary, in Anacortes, WA.

There have been multiple incidents in the time I've lived in Anacortes and some have resulted in escaped wolves, or wolf-dog hybrids, attacking and killing pet dogs. Once is more than enough and it should never happen again. The facility borders community forest lands that have public use trails. Everyone from small children to senior hikers, bikers and horse riders use these trails. The most recent incident that I am aware of was the escape of three of the wolves digging their way out of the facility and killing a neighbor's small dog in their front yard. This homeowner also has small children that use that yard.

There are plenty of documented incidents that involve concern for the safety of the community. There is also great concern for the proper safety and care of the animals in the facility. They call themselves a sanctuary but the wolves are bred in the facility. I watched a video shared by the current owner, showing all the cute new wolf pups after the escape incident in October 2021. It seems they may be using some loopholes with the wolf-dog hybrid designation as well as operating their tours through AirBnB. This seems like a tourism industry facility, not a sanctuary. It is odd they have designation as a religious non-profit.

I've read through police reports and inspection reports that are available and I do not understand why this facility has gotten away with as much as they have over the years. I hope that you will take very seriously any requests by this organization. The animals deserve better. At the very, very least, there should be no approvals for expansion. They can't seem to care properly for the animals they already have and I don't believe they are living up to the responsibility an animal sanctuary requires.

Sincerely,
Sarah Meyhoff
3809 Rockridge Pkwy
Anacortes, WA 98221

RECEIVED
MAY 09 2022
SKAGIT COUNTY
PDS

Planning and development services
FOR: Predators of the Heart
File# PL 22-0133
Comments on predators of the heart
1800 Continental Place
Mount Vernon WA 99273

Our family finds it horrible that this facility continues to exist. They have had multiple episodes where their wolves have broken loose and killed nearby pets. We personally feel it as our dog was brutally killed by their wolves. They said it wasn't their fault because our dog was on their property. My father was walking our dog along the Anacortes trails and there was no fence, no sign indicating private property or wild animals. Our dog was killed 5 feet off the public trail, on a connecting trail that evidently was on their land. He would have been killed had he been standing 5 feet further away on the public property. The wolves don't know a property line. It could have been a child, not just a dog. Their record shows they can't control the animals they already have. An expansion would be a reckless action with more risk to the public. The owners of the property claim that they have control of the animals, yet they still get loose. What has to happen before they are finally shut down? Do they need to kill a young child walking the nearby forest land before anyone cares? They have proven they cannot control or contain the animals they have already, expansion would just increase the risk to the public.

David and Meg Mourning
2009 29th Place
Anacortes, WA 98221

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Thursday, May 5, 2022 4:23:04 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, May 5, 2022 3:10 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : R GAY BUNKER
Address : 14331 Van Luven Pl
City : Anacortes
State : WA
Zip : 98221
email : gbunker47@gmail.com
PermitProposal : Conditional-use permit for Predators of the Heart
Comments : Predators of the Heart is not only a great teaching tool but A huge resource for the rescue of all animals needing help. I took my 2 graduating high school grandchildren last summer on a tour there that they will always remember. The tour guides were so knowledgeable about all the different animals and the interaction with the wolves was phenomenal.
You would be doing a great disservice to not allow them to continue their work and teaching. It is a great sanctuary and education conservation.

From Host Address: 98.97.35.154

Date and time received: 5/5/2022 3:07:36 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Monday, May 2, 2022 5:35:07 PM

Name : Marcela Vorel
Address : 4265 Lange Ter
City : Anacortes
State : WA
Zip : 98221
email : marcelavorel@icloud.com
PermitProposal : PL22-0133
Comments : It's shocking this is even up for debate after a dog was recently killed by three wolves that escaped from Predators of the Heart in Oct 2021. This was the 2nd of such an occurrence. In September 2017, two leashed wolves broke away and killed the dog of a hiker in the Little Cranberry Lake area.

Considering this "sanctuary" is next to the Anacortes Forest Lands where many people recreate with their dogs, Predators of the Heart should be relocated where it doesn't pose a danger given their lack of security, if not shut down altogether.

This is not a wildlife "sanctuary." It's a petting zoo without proper security.

From Host Address: 24.22.255.220

Date and time received: 5/2/2022 5:34:10 PM

From:	Gina Mousseau
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Thursday, May 5, 2022 11:45:57 AM

From Department email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, May 5, 2022 7:15 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : JoAnn York-Gilmore
Address : 2708 Gee Lane
City : Anacortes
State : WA
Zip : 98221
email : Joannyorkgilmore@yahoo.com
PermitProposal : Predators of the Heart containable use permit
Comments : Thank you for finally requiring a conditional use permit for this organization and its activities. This activity is located too close to residential and recreational areas used by the public. In addition, previous deadly incidents involving animals who escaped their enclosures are unacceptable. This is not a suitable activity for this area. Thank you

From Host Address: 24.19.243.130

Date and time received: 5/5/2022 7:12:04 AM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Monday, May 2, 2022 5:25:04 PM

Name : Grant Johnson
Address : 4265 Lange Ter
City : Anacortes
State : WA
Zip : 98221
email : grant.m.johnson78@gmail.com
PermitProposal : PL22-0133
Comments : Predators of the Heart should not only have their current Special Use Permit application to expand their operation denied, they should also have their current Special Use Permit revoked. Just recently they allowed their wolf/dog hybrids to kill a neighbor's pet. I live just across the hill from them and was taking my dog for our morning walk when I heard the commotion. They have a terrible track record for keeping their animals contained and have been responsible for several pet deaths. We have spoken with many other residents of the area and everyone lives with a nagging fear of the next escape and what could happen to our pets, our children and loved ones and to ourselves.

Predators of the Heart is also not a wildlife sanctuary, but a pay-to-play zoo. They currently run an AirBnB where you can pay large sums of money to stay overnight and pose for pictures with the wolf/dog hybrids. Unfortunately the Skagit PDS comment submission will not allow me to past a URL but a quick search on AirBnB will show their operation.

Overall their operation is incompatible with the character of rural Fidalgo Island and a threat to public safety.

From Host Address: 24.22.255.220

Date and time received: 5/2/2022 5:22:27 PM

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Thursday, April 28, 2022 3:22:41 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Tuesday, April 26, 2022 5:30 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Dave Knutsen
Address : 4592 Welch Lane
City : Anacortes
State : WA
Zip : 98221
email : dknutsen1@frontier.com
PermitProposal : File # PL22-0133
Comments : I am in opposition of this SEPA for an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property.
The owners have demonstrated time and again an unwillingness to consider safety of the neighboring property owners. The animals have escaped from the enclosures many times as documented by the local Anacortes Police Dept. records and Skagit County Sheriffs Department. This repeated negligence has only resulted in the destruction of two pet dogs to date. This is a small area with several homes with families with small children. When will the county take action to prevent a more catastrophic incident when a small child is encountered by one of the wolves or cougars. Just today I spoke with an individual, Bruce Mullins, who used to volunteer at POTH with his wife Lisa, he recounted multiple incidents of safety violations involving the wolves. Since those incidents he nor his wife volunteer or want anything to do with POTH.
None of the owners or operating staff live on the premises. If an animal escapes its up to us, the neighbors to report sightings. The enclosures are cyclone fencing, with trees surrounding the area. A tree that is fallen on a fence line due to the wind will then allow the animals a clear path to our neighborhood or the forest lands (ACFL). The animals have also dug out from under the fence. I have photos documenting this. They dug out from the fence to enter our neighbors property and killed and ate their family dog last fall. I had to call Ashley and tell her that several of the wolves had escaped and had destroyed a neighbors dog. She was not aware since she wasn't on the property. But when she tried to explain the incident on Facebook she said that her staff had discovered the missing animals and that they returned to their enclosures on call within several minutes of their escape. That is an absolute false statement. They were out of the enclosures and roaming our neighborhood for over 20 minutes. The staff that did finally retrieve them were visibly shaken during this incident. Now POTH is trying to buy the silence of the dog owners whose dog was killed.
These are wild animals with wild animal DNA. Once one of the animals gets a blood scent its like a frenzy. Like blood in the water and sharks.
They feed to animals scraps donated and purchased to a lesser degree from various business' in the area. They also bred rats for feeding the animals and now the neighborhood has a rat infestation

from escaped rodents. We never had rats in the area prior to their business location here.
The animal waste is washing down into a local stream (Mitten Creek) which then feeds several small ponds and further polluting downstream waterways, which flows to Alexander Beach.
The neighborhood was established long before POTH moved in. Why should their inclusion into our area now force us to alter our living patterns. We moved out into this wooded area to enjoy getting away from the hustle and bustle of the city, to enjoy the serene countryside. We already put up with the howling and the noise of the other animals, but we shouldn't have to worry about being stalked or worse yet our children or grandchildren being injured or worse.
The operators of POTH are doing an abysmal job of managing their business. Creating a grave safety concern for the neighborhood.
Any letters of support for POTH will come from people that do not live in the area and do not have to put up with the noise, safety, or health concerns that the neighborhood has to contend with.
Please do not allow this SEPA to be granted.

Dave Knutsen

From Host Address: 50.34.122.13

Date and time received: 4/26/2022 5:28:33 PM

Colin & Deanna Emsley
2200 20th Place, Anacortes, WA 98221
360-333-2387
colinsmarine@gmail.com
emsley.deanna@gmail.com

RECEIVED
APR 25 2022
SKAGIT COUNTY
PDS

RE: File #PL22-0133

Dear Skagit County Leaders,

It is our sincere pleasure to enthusiastically recommend that Predators of the Heart be given permission to continue operating within Skagit County, and specifically within the vicinity of Anacortes.

We have been residents of Anacortes for nearly twenty years and have operated a tourist-oriented marine business during that entire time. We have witnessed time and time again the incredible impact that Predators of the Heart ("POTH") has on visitors to this area. Every group that we refer to POTH comes away absolutely spellbound by the experience. We have had clients make repeated trips back to Anacortes specifically so that they could incorporate a visit to POTH.

As residents who live less than 3-miles away from POTH, it is no surprise to us at all that everybody who visits the sanctuary is forever changed by the experience. The unique combination of animals at POTH, combined with the unparalleled ability to get such an intimate look into their lives, truly sets POTH apart.

Beyond the majesty of the animals themselves is the incomparable passion that the entire POTH team has for their critical dual mission of conservation and education. It is this dual mission more than anything else that truly sets POTH apart, and which in turn helps set Anacortes apart.

We beam with pride each time we refer our clients to POTH, and we relish our own visits to the sanctuary as often as possible.

Anacortes is always quick to tout its commitment to the natural playground within which it sits. A continued commitment to POTH is a critical example of living up to that heritage and pledge.

Regards,

Colin & Deanna Emsley

RECEIVED
APR 27 2022
SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number: PL 22-0133

Public Comment/Concerns

Edward P Borlin Jr.
4577 Welch Lane
Anacortes, WA 98221

Home location
Our property borders to Southside of the POTH property

Welch Lane Easements
AF # 199406200058 under the *"Literal Interpretation Section"*

"The literal interpretation of the zoning ordinance would deprive the applicant of the ability to complete a previously started short Plat."
"There have been total of four (this variance makes five) variances considered for the use of this road. Some of the variances overlapped, making for a great deal of confusion in the regard to what is required."
"If the variance is approved, it appears that although, all of the properties accessed by welch lane may not all be developed, once the short plat associated with this parcel is approved, there can no further subdivisions utilizing welch lane. The reason for this is the current interim controls, as well as other regulations."

What I remember is that anything after this approval, the road would need to be brought up to county standards because it could not support any more traffic under it's current condition. For whatever reason the short plat that was approved for the POTH property and is in violation of this variance AF # 199406200058 requirements. The real concern is if more traffic is on the current road, it cannot handle the proposed development. This is why county requirements are needing to be implemented upgrading the road to county standards, if for some reason this gets approved.

Recurring Uncontained Wild Sanctuary Animals
Since POTH has been near us there have been several occurrences of their animals getting out of their containment. What I have personally experienced are the foxes, the macaw bird, and three wolves! The three wolves attacked and killed my daughter's dog in front of me and my daughter. This occurred on my property. My immediate neighbors have experienced different loose wolves and cougars. I understand that both Skagit County and City of Anacortes has many more occurrences on record (I have not validated personally but my neighbors have). I know of two instances that we were not notified of animals on the loose, (wolf and a cougar), both were overnight occurrences. In my opinion there is no excuse for wild sanctuary animals getting out of their containment. Even with the promises in the application the plan for upgrading is not enough. With the large trees and the damaging seasonal winds, it is a matter of time that trees would crush the containments allowing wild sanctuary animals to run loose.

Personal impact

We have lived on this property for 30 years. Until POTH joined our neighborhood, we had no rats. Since then, the rats took over 2 storage sheds and totaled our 36-foot Class A motorhome. They ate all the wiring. In the winter rats made nests in my BBQ. It was a $1800.00 stainless steel BBQ. I had to toss it away! Couldn't stomach the idea of using it again. We now have to set rat food out to keep them from taking over our house and property. Everyone around us does the same thing.

Ravens/Crows have flown over our house with chunks of meat that they picked up from POTH. One time I was Barbecuing on my deck and a chunk landed on my BBQ. Truly disgusting!

Life forever impacted

The trauma that follows an incident is real. The incident is the one where the three wolves dug under the POTH fence and then attacked and killed my daughter's dog. She watched it, so did I! What really bothers me is if my 3 year old granddaughter was out there at the time of the attack. She was at school. To this day I find myself looking over my shoulder all the time. Night-time also is tough to be out on my property. We routinely have family and friends over including grandkids. We have to keep a close eye on them in case wolves show up again. Not fun!

Odors

Currently there is a sewage smell by the POTH south fence line. I mention that because in the past there have been odors that have come from the POTH property that smells dead. In fact it draws turkey buzzards, ravens and eagles overhead. Summertime is when it gets really bad.

Community is very naive

In all fairness the surrounding communities are pretty naïve about the POTH impact. Some may hear the wolves howl from a distance and may enjoy it. But being right next to them is different. Mostly the wolves and the macaw's. The social media following is rattled with false accusations and praise only to mask the neighborhood nuisance and fears outside the fence line. They just don't know what's true! Most of their input is not valid.

Conclusion

When all is said and done it's not the wild sanctuary animal's fault for being noisy, producing terrible odors, getting out of their containment, attacking... it is the owners of POTH. It's location is in the wrong place! It should have never been allowed to be so close to the Anacortes community lands/ neighborhoods. The current traffic is already too much for welch lane so approving this application cannot be supported by welch lane and cannot meet county road standards for proper traffic control. That's why I think that it is time to stop this train wreck now.

Confused

1. How a sanctuary can operate as an air bnb,(non-profit).
2. How a facility can be unmanned for 20+ hours a day maybe even more.
3. How often a sanctuary is inspected to meet county standards/requirements.
4. How can a sanctuary continue to breed wolves and be sold for profit. It's for rescued animals and a non-profit facility, I thought?

Sincerely, Edward P Borlin Jr.

Edward P Borlin Jr. DATE 4/25/2022

RECEIVED
APR 27 2022
SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS

File Number: PL 22-0133

Public Comment:

Lynne Borlin

4577 Welch Lane

Anacortes, WA 98221

Public Comment/Concerns

Our property connects South of the POTH property. There is not one family that lives in the vicinity of POTH that has anything positive to say about this group. Wild animals should never live in cages close to people's homes. We did not move out to this property to be afraid. Poth did not own that property when we bought our land and they should be asked to leave and relocate some where safer for all involved.

We have seen the Wolves out running on our land 2 times. (And there have been other times we are aware of that we were not involved in) We have seen fox out running on our land 2 times. And we have seen a Macaw flying around, which brought POTH employees out running on our land. These animals/birds escaped the confines meant to keep them in. If it has happened before, it WILL happen again. Although the bird is not a threat, the fox and the wolves are.

My daughter's dog was killed by 3 of POTH wolves that had dug their way out of their enclosure and came onto our property where my daughter had to watch her dog be pulled apart by these 3 wolves. That was a tragic, horrifying day, and afterwards we questioned "What if this had been her 3-year-old daughter? Or our 1-year-old grandson?" We have 4 grandchildren that play out there. I am in constant thought, and fear on how to handle it if the wolves come running around the corner again.

The fencing for the wolves, we understood had electric wiring around the base of the fence. It wasn't on, too much vegetation. And...the wolves dug out. Also, the wiring is now on, as we now hear a snap, which we did not hear before. There is no one that continually keeps POTH accountable for their actions.

They are not supposed to breed the animals. But they do. Ashley Carr and I were talking one day as we sat, waiting for tires to be put on our cars. She told me she had gotten a huge dog (I can't remember the kind of dog she said, because I was in shock about what she was telling me) and was going to breed it with the wolves. This is just something that shows, they don't follow the rules given them.

The noise we get from the POTH enclosure is crazy. We don't understand how anyone in a home could own a Macaw. It is excruciatingly LOUD.

Before POTH arrived in our neighborhood, we never, ever had a problem with RATS. Mice yes, rats, not ever. POTH raised rats for their animals and, all the sudden they were all over our neighborhood. Our motorhome was totaled by rats eating away at the wiring. POTH is just irresponsible in every aspect of their business.

When the wolves killed our daughter's dog my husband ran out to the car and drove over to POTH only to find there was no one there. We had to find Ashley's phone number, call her, and then wait for them to come. We constantly worry about a tree falling in the middle of the night on an enclosure and having a bob cat or cougar running loose.

This is the stuff we have to live with and it is not right!

Please, please do not grant any new development to happen over there. We need them to leave, move on, before one of my grandkids or another child in the neighborhood gets hurt or, God forbid, killed.

Please consider all that those of us living close to this encloser go through.

Thank you,

Lynne Borlin

Lynne Borlin 4/25/2022

PERKINSCOIE

PERKINS COIE LLP

LEGAL MESSENGER SERVICE

pmp

Client Name _____ Date/Time Due (5:00 p.m. unless noted) **11/18/2022 4:30 p.m.**

Requested By **Parman, Hannah (SEA)**

Name of Attorney or Paralegal **Parman, Hannah (SEA)**

Billing No. **134979.0003** Requestor Extension **206.359.3509** Office Number **41-22**

PLEASE:

1. ☒ Deliver
   - ☐ Pick up
   - ☐ Serve
   - ☐ Stamp Copies
   - ☐ File
   - ☐ Signature
   - ☐ Notarize
   - ☐ Process Serve
   - ☐ Make Copies
   - ☐ Other

COURT (if applicable):

2. ☐
   - ☐ USDC at
   - ☐ Bankruptcy at
   - ☐ State Ct. of Appeals at
   - ☐ Other Court

OPTIONS:

3. ☐ Affidavit of Service

☐ Direct Return

DOCUMENTS/ENCLOSURES:

Written Comment Regarding Proposed Mitigated Determination of Nonsignificance, File # PL22-0133

INSTRUCTIONS / DELIVERY ADDRESSES: (PLEASE include full street address, be thorough, and attach sheet if needed)

The attached letter needs to be delivered by 4:30 PM on Friday, November 18.

It needs to be delivered to Skagit County Planning & Development, attention to Kevin Cricchio, which is located at:
1800 Continental Place
Mount Vernon, WA 98273.

The contact phone number is (360) 416-1423.

CAUSE/CASE:
Number _____ Name _____

Received by _____ Completed by _____
Date/Time _____ Date/Time _____

Print Two Copies for Messengers (One Returned on Completion; One for Billing)

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November 17, 2022

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F. +1.206.359.7767

RECEIVED
NOV 18 2022
SKAGIT COUNTY
PDS

VIA HAND DELIVERY

Kevin Cricchio
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon WA 98273

Re: Written Comment Regarding Proposed Mitigated Determination of Nonsignificance, File # PL22-0133

Dear Mr. Cricchio:

We are litigation counsel to the plaintiffs in a nuisance lawsuit against Predators of the Heart ("Predators"), Ashley Coleburn, and Denise Coleburn in Skagit County Superior Court (*Borlin et al. v. Predators of the Heart et al.*, Case No. 22-2-00526-29). On behalf of our clients—eight individuals living near the Predators' facility—we write to address the Mitigated Determination of Nonsignificance published on November 3, 2022 (the "MDNS"), and to express our continued opposition to Predators' Special Use Permit application for Parcel No. P128398, dated March 23, 2022 (the "Application" or "App.").

The County should revise the MDNS to deny the Application because Predators is prohibited from possessing potentially dangerous wild animals, including wolf hybrids, cougars, and alligators. If Predators cannot lawfully house these animals, it is irrelevant that changing the facility might decrease the likelihood of escapes.

But if the County accepts the Application subject to conditions, it should impose additional mitigation measures, which (1) ensure accountability and increase oversight over an entity that has repeatedly made false statements to the County and rebuffed its instructions; (2) prevent invasions of privacy, noise pollution, and address harm to neighboring properties; and (3) further ensure public safety. Moreover, the County should expressly bar Predators from accepting any visitors for tours or acquiring additional animals until its Application is resolved and it has fully complied with all mitigation measures.

A. The MDNS fails to address the legality of Predators' operation.

The MDNS is silent on the key issue presented by the Application: whether Predators' possession of over two dozen "potentially dangerous wild animals" "complies with the Skagit County Code." SCC 14.16.900(1)(b)(v)(B) ("The burden of proof shall be on the [special use permit] applicant to provide evidence" that the "proposed use complies with the Skagit County Code."). The legality of Predators' operation is a threshold question that the County must resolve. That is, unless Predators can lawfully possess dangerous wild animals under Chapter 7.04 of the County Code (and for the reasons set forth below, it cannot), the mitigation measures outlined in the MDNS are immaterial, regardless of their impact on the public welfare and safety. Merely noting that there "is no maximum number of animals that Predators . . . may house onsite provided" it complies with the "Skagit County Code" is insufficient. MDNS at 6 (§ 13(R)). Predators cannot have *any* dangerous wild animals, under *any* circumstances, if doing so violates Chapter 7.04.

Under SCC 7.04.030, a "person may not own, possess, keep, harbor, bring into the County, or have custody or control of *any* potentially dangerous wild animal." SCC 7.04.030(1) (emphasis added); *see also* RCW 16.30.030(1). That prohibition encompasses numerous animals in Predators' possession, including wolf hybrids, cougars, alligators, and rattlesnakes. SCC 7.04.010(1).

Predators repeatedly suggests that wolf hybrids—the centerpiece of its operation—are not prohibited because Washington law "specifically excludes wolf-hybrids." Predators' Letter to the County Addressing Public Comments to App. at 3, 8 (attached as Exhibit A). But Predators strangely disregards the relevant County ordinance, which, as Predators is well aware, bans "wolves . . . and their hybrids." SCC 7.04.010(1), (b).

In any event, Predators' claim that it can lawfully possess these dangerous animals under four separate exemptions is meritless.

***First,* Predators is not exempt under RCW 16.30.030(3) based on lawful possession of dangerous wild animals before 2007.** *See* Ex. A at 1. County law does not incorporate RCW 16.30.030, *see* SCC 7.04.020, but Predators could not satisfy that exemption even if it did. Predators' representation that it has "clearly" had all the potentially dangerous wild animals currently in its possession since before 2007 is false. Ex. A at 1. Despite asserting to the County that the "cougars have been owned prior to 2007," Ex. A at 3, Predators attested just weeks ago, in response to interrogatories,

that one of its cougars "was conceived by accident approximately ten years ago," *i.e.*, around 2012. Predators' Resps. to Pls.' First Disc. Reqs. at 13 (attached as Exhibit B). Many more of Predators' dangerous wild animals were likely born in the last fifteen years. Indeed, Predators' social media accounts publicize its young wolf puppies, which Predators was unlawfully breeding as recently as 2017. Predators was illegally selling these animals (*see id.* at 12) but presumably keeping at least some to advance its own business.



***Second,* Predators is not exempt as a humane society or shelter housing otherwise banned animals at the written request of the animal control authority.** *See* Ex. A at 2 (citing RCW 16.30.020(1)(c)); SCC 7.04.020. As a threshold matter, Predators may be a nonprofit focused on animals, but it is neither a humane society nor an animal shelter. It sells $200 "hands-on wolf encounters" that allow visitors to touch and photograph wolf hybrids *bred by Predators*. *See* Ex. B at 8. Its operation, advertised as "Howling with Ambassadors," revolves around the exhibition of home-grown wolf hybrids.

But even if Predators were a "humane society or shelter," the exception under RCW 16.30.020(1)(c) would still be inapplicable. That provision exempts only dangerous wild animals possessed at the request of the animal control authority, and it is undisputed that all of Predators' wolf-hybrids, and at least two of its cougars, were born at the facility (*i.e.*, were not received from animal control). App. at 4; Ex. B at 8. Predators argues its wolf hybrids and cougars are exempt because it houses "an animal" at the request of animal control. Ex. B at 2. But the phrase "an animal" refers to a particular dangerous wild animal sent by animal control, which would otherwise be banned. It does not mean a humane society that receives *any* animal from animal control, such as a parrot or sloth, gets a free pass to possess as many wolves, cougars, bobcats, and alligators as it chooses.

***Third,* Predators is not a "wildlife sanctuary."** *See* RCW 16.30.010(5), .020(1)(g); SCC 7.04.020. Predators is most obviously disqualified as a "wildlife sanctuary" because it engages in "the sale of photographic opportunities involving an animal[.]" RCW

16.30.010(5), (b). Predators' claim to be a "wildlife sanctuary," Ex. A at 2, despite advertising that it allows customers to "touch, photograph, and even howl with wolf dogs," is frivolous. *See* Airbnb, *Howling with Ambassadors*, *available at* https://www.airbnb.com/experiences/47240. Predators is further disqualified as a "wildlife sanctuary" because it engages in activity that (1) involves animals bred by Predators, (2) is "not inherent to the animal's nature" (*e.g.*, touching them), and (3) is for some "type of entertainment purpose." RCW 16.30.010(5). Predators can call its tours "educational," but it still charges visitors $200 to touch and photograph wolves.[1]



Fourth, **Predators is not exempt under the state fair exemption,** which applies narrowly to a "person displaying animals at a fair[.]" RCW 16.30.020(1)(l)); *see* SCC 7.04.020. The statute only exempts animals *while* they are being displayed at a fair. It does not mean, as Predators seems to argue, that displaying a handful of animals at a fair every couple years gives an exhibitor free reign to possess any number of dangerous wild animals. *See* Ex. B at 13 (attesting that Predators has attended just four fairs since 2017). And Predators' USDA certification, which it discusses at length in connection with the fair exception, has absolutely no bearing on that exception or, for that matter, any other. *See* Ex. A at 3. States and Counties can impose different and more stringent restrictions, as Washington and Skagit County have done here.

* * *

[1] Because visitors are not simply "viewing ... wild animals," but rather engaging in direct contact with them, Predators is not an "animal preserve," one of several enumerated categories of Hearing Examiner special uses in a Rural Reserve zoning district. SCC 14.16.850 (4)(d)(iii)(C). Accordingly, Predators' Application also fails at the outset because it is not an "animal preserve."

Predators is unlawfully housing a host of potentially dangerous wild animals in violation of State and County law. The illegal possession of those animals is not remedied by mitigation measures, however stringent.

B. If the County grants the Application subject to modifications, additional conditions are necessary to satisfy the County's Approval Criteria.

If the County accepts Predators' application subject to mitigation measures, it should impose additional conditions, as set forth below.

1. The MDNS lacks necessary accountability measures.

Predators has repeatedly misrepresented material facts to the County and disregarded its instructions pending resolution of the Application. Any permit approval must therefore include conditions that ensure Predators is held accountable.

False statements. Both Predators' Application and its subsequent letter to the County are riddled with false statements on critical issues, including escapes from its facility. Predators' Application claimed that in "23 years, we have had only one escape," which it blames on a dog. App. at 3. But in its subsequent letter to the County, Predators represented that in "over twenty (20) years, POTH has had only two escapes," and then, paragraphs later, that "[t]here have simply been no escapes." Ex. A at 5, 7; *see also id.* at 8 ("No wolves have escaped."). Plaintiffs' assertions are both internally inconsistent and irreconcilable with publicly available information identifying at least four escapes, including articles describing an escape in 2012, two in 2017 (one of which Predators ignores, *see* Ex. A at 10), and another in 2021.[2]

Predators' misrepresentations do not end there. Predators asserted that it "does not breed animals," but has admitted that its wolves were all bred at the facility. App. at 4; Ex. B at 8. And Predators represented to the County that "[t]here is no planned expansion," yet has said in recent social media videos that it wants to expand its

[2] *See Warning Signs in Anacortes Community Forest Lands*, City of Anacortes (Dec. 26, 2017), https://cityofanacortes.org/CivicAlerts.aspx?AID=79&ARC=892; Jacqueline Allison, *Anacortes Community Forest Lands Trails Back Open after Wolves Captures*, Skagit Valley Herald (Oct. 19, 2021), https://www.goskagit.com/news/local_news/anacortes-community-forest-lands-trails-back-open-after-wolves-captured/article_938b8d04-7d45-5701-a319-687d1e6d67e2.html.

facility and house more animals. And, as discussed above, Predators falsely asserted that it has possessed all its potentially dangerous wild animals since before 2007.

Non-compliance. Predators' ability to comply with the MDNS is further undermined by its repeated disregard for the County's instructions relevant to *this* Application review process. Although the County instructed Predators in February 2022 to cease offering tours pending resolution of the Application, Predators continued to do so through at least July 2022 (see above Airbnb reviews). And as recently as November 4, 2022, a Predators social media video described plans for a tour the following week. *See* Predators of the Heart, Facebook (Nov. 4, 2022, at 2:10 PM), *available at* https://fb.watch/gJEVWUem2H/. Predators has also acquired at least one new potentially dangerous animal since February 2022, including a six-and-half foot, 107-pound alligator.

Accountability measures. Predators' conduct evinces a lack of respect for the rule of law and the safety of the community. Given its falsifications and laissez-faire attitude concerning escapes and other material issues, Predators simply cannot be trusted to comply with the mitigation measures outlined in the MDNS.

Stringent oversight and accountability measures are necessary to ensure that conditions of compliance are enforced (absent complaints from neighbors). Those conditions should, at a minimum, require Predators to (1) become (and remain) an accredited member of an independent oversight organization, such as the American Zoo Association; (2) obtain an insurance policy with the County ($50 million aggregate, $10 million per occurrence), which names all adjacent landowners as additional insureds; and (3) submit an annual financial plan to the County that guarantees its animals will be cared for in perpetuity.

2. The MDNS fails to address undue noise, odor, and intrusions on privacy stemming from Predators' operation.

The proposed MDNS also fails to address whether Predators satisfied its burden of showing that its proposed use "will not create undue noise" or "odor . . . impacts on surrounding, existing, or potential dwelling units," and that it "will not generate intrusions on privacy of surrounding uses," SCC 14.16.900(b)(v)(C)–(D)—considerations that are particularly important when a facility is surrounded by residential homes. Predators fell far short of its burden in each respect.

(a) Beyond imposing some limits on parking, the MDNS ignores concerns about invasions of privacy. *See* MDNS at 4 (§ 13(G)). Predators' paid tours—which run six days a week, twice a day—bring a consistent stream of commercial traffic onto a single-lane gravel road intended for a small residential rural community, not a business drawing up to 120 visitors per week. That traffic includes visitors who unwittingly find themselves on neighbors' properties on a regular basis.

To the extent commercial traffic is permitted, tours should be limited to two per day, on weekdays and non-holidays from 9:00 am to 5:00 pm. Predators should also be required to secure appropriate easements for commercial access to its property, improve access roads to commercials standards (consistent with County regulations), enter into a roadway maintenance agreement with all roadway constituents, agree that no signs can be placed on nearby properties, and take reasonable steps to prevent lost visitors within the adjacent neighborhood. Lastly, the MDNS should clarify that all *existing* facilities (not simply new developments) must comply with current commercial building standards, including fire codes (*see* MDNS at 6 (§ 13(T)).

(b) The MDNS also fails to address how certain mitigation measures, while increasing safety, will negatively impact the surrounding community in other ways. For example, 10-foot fencing with barbed wire, lighting, and surveillance cameras abutting Predators' property line (while lowering the likelihood of escape) would decrease the value of neighboring properties, many of which residents have owned since before Predators arrived in 1998.

To address this issue, the County should (1) require setbacks of 35' from all sides for fences, buildings, pens, and enclosures; and (2) require Predators to landscape so that its fencing and security systems are not visible from adjacent properties.

(c) Numerous public comments from Predators' neighbors described excessive noise, and Predators did not rebut that consistent complaint. The County itself noted in its 2015 lawsuit against Predators that "[t]he noises from the wolves, cougars, and scavenging birds are neighborhood irritants." *See* Mot. for Summ. J. at 8, *Skagit Cnty. v. Coleburn*, No. 15-2-00509-2 (2014). Yet the MDNS is silent on this issue. At a minimum, the County should impose noise restrictions that exceed those required for a dog kennel.

3. The MDNS fails to impose sufficient safety conditions.

The County's proposed mitigation measures fail to adequately address safety risks associated with the facility. SCC 14.16.900(b)(v), (E), (G) ("The proposed use will not cause potential adverse effects on the general public health, safety, and welfare" and "is not in conflict with the health and safety of the community.") That includes the safety of residents, visitors to nearby forestlands, and visitors to the facility.

Predators offers regular paid tours of its facility during which members of the public are, as discussed above, allowed "to touch, photograph and even howl with wolf dogs." Indeed, recent customer reviews—including as recently as July 2022—mention petting and taking photos with wolves, and even being licked by them.



Talha
February 2021

They have a lot of different animals - such as bobcats, cougars, alligators, sloths, macaws, etc. and about 25 wolves. Most of them are rescues. You get to actually hang out with and pet the wolves. The wolves are quite friendly but note that they might lick you and leave you smelling like wolf drool. Didn't think a place like this existed in Washington. Overall an awesome experience.



Nancy
July 2022

What an amazing experience! We learned so much from Ashley, Holly, and Tim! It's nice to hear about the wolves along with other animals (an anteater, a porcupine, a sloth, etc.). We even got to pet and interact with 4 different wolves during our tour. We drove 2 hours from Sammamish, and the experience was well worth the time. Unforgettable!

The County deemed wolf hybrids "potentially dangerous wild animals" in 2014 for a reason. Wolf hybrids are not, as Predators claims, just like Bernese Mountain dogs or Jack Russell Terriers. Ex. A at 8–9. The MDNS's vague observation that Predators "must not engage in any unsafe practices involving wolves or similar carnivorous

animals" is hardly sufficient, and could be interpreted as rubberstamping direct contact between members of the public and wolf hybrids. MDNS at 7 (§ 13(V)). Nor does the MDNS expressly bar Predators from breeding and selling dangerous wild animals, unlawful activities that resulted in Predators' large and problematic population of wolf hybrids in the first place.

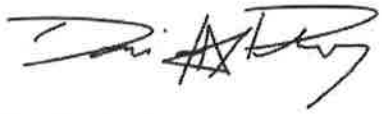
As to ensuring the safety of neighbors and visitors to the nearby forestlands, the County should require, in addition to the mitigation measures it has already proposed, that *certified* staff be on site at all times (not simply that the property be manned, MDNS at 6 (§ 13(O)); that the emergency contact list be expanded to include all property owners within 0.25 miles of the facility (not simply "abutting/contiguous neighboring landowners," MDNS at 4 (§ 13(H)); and that all existing makeshift fencing should be removed.

In short, Predators' operation is not safe, and the County should make that clear. Without addressing the safety of Predators' fundamental business model and prohibiting specific activities—*e.g.*, direct contact between visitors and exotic animals, and breeding and selling exotic animals—the County fails to adequately safeguard the wellbeing of Skagit County residents, visitors to Predators' facility, and the animals in Predators' care.

* * * *

The Application fails at the outset because Predators cannot lawfully possess potentially dangerous wild animals under County law. To the extent Predators is granted a permit subject to conditions, the County should impose additional modifications as discussed herein. Pending resolution of the Application and full compliance with the County's mitigation measures, Predators should be expressly prohibited from allowing members of the public onto the property.

Sincerely,



David A. Perez

Enclosures

cc: Alison R. Caditz, Perkins Coie LLP
Hannah Parman, Perkins Coie LLP
Edward & Lynne Borlin
David & Pamela Knutsen
Nolan Berlin & Millicent Swietzer
Kevin & Jenny Welch

EXHIBIT A

WOLF ENCOUNTERS ANACORTES, WA

Predators of the Heart

"Dedicated to wildlife education, conservation, rescue"

4709 Welch Lane, Anacortes, WA 98221

Email: admin@predatorsoftheheart.com Phone: (360)770-7479

Mr. Cricchio and Skagit County Officials:

Thank you for receiving our application for a Special Use Permit with Skagit County. We have carefully and thoroughly reviewed the public comments and have provided responses as requested by Skagit County. As you'll see below, Predators of the Heart (POTH) has always operated lawfully and, with one specific instance in 2021, has been a thoroughly safe and secure operation, providing sanctuary and protection for the animals it houses. POTH is a 501(c)(3) organization, vetted and routinely inspected by the United States Department of Agriculture (USDA). The USDA licenses POTH as a Class C Exhibitor, which is the highest level of licensing provided by the USDA for civilian organizations.

As a preface, it is critical that Skagit County understand what will happen if it denies this request for a Special Use Permit.

Should this permit be denied, most of the animals housed by POTH, either as rescues or for permanent placement, would likely have to be euthanized. This includes, but is not limited to, all its wolfdog population, cougars, birds of prey, reptiles, and small mammals. These animals are cared for by POTH and all POTH's proceeds go to the care and safekeeping of these animals.

It is also critical to preface by noting that POTH has been in operation at this location since 2001—over 20 years at this location. It has operated largely in the face of hostility from a few select neighbors who seemed to copy and paste their comments on each of their letters. Despite those complaints, POTH has provided a continuous and vital resource to the community since its inception.

I. Exemptions

As noted above, Predators of the Heart operates lawfully and always has. Some of the comments—most notably by Kevin Welch and his attorney—say that POTH is "operating unlawfully" under RCW 16.30.030. Under RCW 16.30.030(1), "a person shall not own, possess, keep, harbor, bring into the state, or have custody or control of a potentially dangerous animal **except as provided in subsection (3) of this section**." (emphasis added.)

RCW 16.30.030(3)

The law cited by Mr. Welch and his attorney provides its own exemption. Under RCW 16.30.030(3), "A person in legal possession of a potentially dangerous wild animal prior to July 22, 2007, and who is the legal possessor of the animal may keep possession of the animal for the remainder of the animal's life."

Clearly, since POTH has been in operation since 1998, all "potentially dangerous animals" as defined by RCW 16.30 in its possession have been with POTH since before 2007 or are being housed on behalf of animal control or a government agency. All veterinary records, acquisition papers, and other documents that show POTH has possessed these animals prior to 2007 are available for Skagit County officials to review.

Yet, POTH's exemptions do not end there.

WOLF ENCOUNTERS ANACORTES, WA

Predators of the Heart

"Dedicated to wildlife education, conservation, rescue"

4709 Welch Lane, Anacortes, WA 98221

Email: admin@predatorsoftheheart.com Phone: (360)770-7479

RCW 16.030.020

Under RCW 16.30.020(c), "Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the animal control authority or acting under the authority of this chapter" are exempt from RCW 16.30.

POTH is a duly incorporated nonprofit animal protection organization, and as evidenced by the attached contracts, works closely with animal control, Department of Fish and Wildlife (DFW), the U.S. military, and various counties across the state of Washington to provide housing and protection for rescued animals. For instance, earlier this summer, POTH worked with local military and animal control agencies to house and protect animals seized by each respective organization and does so on a regular basis. See attached **Exhibit A, example of government contract**.

POTH is exempt from RCW 16.30 under RCW 16.30.020(c) as it operates as a shelter and humane society, and houses animals at the written request of the animal control authority or acting under the authority of this chapter. Out of 100 animals currently residing at POTH, over 80 animals are rescues and have been given sanctuary because of POTH's work. For instance, within the last year, the U.S. military, DFW, USDA, and U.S. Customs all contacted POTH regarding providing sanctuary for an animal. POTH provides this service for the benefit of the community. Many, if not most of these animals would have to be euthanized if not for POTH's work.

In summary: POTH is indeed a "duly incorporated nonprofit animal protection organization" (see attached **Exhibit B, Nonprofit Status with the IRS and Washington Secretary of State**) and likewise houses, "**an animal** at the written request of…animal control authority or acting under the authority of this chapter." Again: POTH works regularly with animal control agencies, law enforcement agencies, and federal authorities and has written agreements a sample of which has been attached hereto as **Exhibit A, Example of Government Contract.** POTH continues to assist many state and federal agencies, housing ***many animals*** at the written request of law enforcement and animal control agencies.

RCW 16.30.010(5)

In addition, POTH is a wildlife sanctuary under RCW 16.30.010(5).

RCW 16.30.010(5) defines a wildlife sanctuary as, "…a **nonprofit organization**…that cares for animals defined as **potentially dangerous** and:

(1) No activity that is **not inherent** to the animal's nature, natural conduct or the animal in its natural habitat is **conducted**;
(2) No **commercial activity** involving animals occurs including, but not limited to, the sale of or trade in animals, animal parts, animal by-products or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;
(3) No **unescorted** public visitations or direct contact between the public and an animal; or
(4) No **breeding** of animals occurs in the facility.

As noted above, POTH operates as a nonprofit organization and does not engage in any activity that is "not inherent" to the animal's nature, that no "commercial activity" involving animals is taking place—specifically defining the sale or trade in animals or animal parts, by-products or offspring, or the sale of photographic opportunities involving an animal, "or the use of an animal for any type of entertainment purpose…"

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Of important note: educational tours involving the animals are ***not*** for entertainment purposes; they are educational in nature. POTH staff and tour guides are highly trained regarding the nature of the animals, their diet(s), care and upkeep, housing, and much more. The tours that take place are never, ever "unescorted" and there is no "direct contact" between the public and a "potentially dangerous" animal. All POTH's animals, except for the wolfdogs, are enclosed and unavailable to the public (more details below).

POTH cares for animals defined under Washington law as "potentially dangerous"—specifically, its cougar(s) that require constant care and maintenance due to their inability to care for themselves. POTH has animals listed on RCW 16.30.010(5): cougars, alligators, primates, and one snake that are members of the *family viperidae* RCW 16.30.010 specifically excludes wolf-hybrids. RCW 16.30.010(2)(B) defines *family canidae*, wolves, as potentially dangerous, but specifically excludes **wolf-hybrids.** POTH's wolfdog population are ***wolf-hybrids*** and, under RCW 16.30.010(2)(B), are specifically excluded from RCW 16.30.010.

The other animals referenced in the statute, namely cougars and snakes that are part of the *family elapidae*, are fully enclosed and never interact with the general public. The cougars have been owned prior to 2007 and any viewing occurs with two separate layers of fencing. POTH only allows certain members of its staff with specialized training to interact with the cougars because of their inability to care for themselves. For instance, one of the cougars suffers from severe diabetes—meaning it has a specialized diet and certain requirements for its care. There have never been any escapes from an enclosure, nor any interaction with the general public. These cougars are in the care of POTH because they need constant support. Without the care that POTH provides, the cougars would die.

The snakes housed by POTH are likewise enclosed: they live in full enclosures and are never exposed to the public for handling.

As such, as a nonprofit organization whose ***specific purpose*** is to house and care for "potentially dangerous animals" doing so at the behest of government organizations, POTH is considered a wildlife sanctuary and is exempt from RCW 16.30 under RCW 16.30.010(5).

RCW 16.30.020(l)—Class C Exhibitor/Fair Exemptions

Finally, POTH's USDA Class C Exhibitor License also exempts it to RCW 16.30.010. Due to its work with state and local fair(s) statewide, POTH is exempt from RCW 16.30 under RCW 16.30.020(l). Further, as a Class C Exhibitor, the USDA's highest level of licensing available to non-governmental entities, POTH is exempt from RCW 16.30 because of the extensive training required for said licensing. The plain language of the statute allows for POTH to ***exhibit*** the animals in its care and exempts the organization due to its participation in fairs statewide. It would be erroneous and nonsensical to "exempt" an organization from these regulations for the time(s) that it interacts with the general public most explicitly—at a public fair.

As a USDA Class C Exhibitor, POTH goes through regular (and random) inspections by federal officials. USDA inspections review all aspects of POTH's operations: safety of the community and upkeep/caretaking of the animals, employee safety, animal care and diet, housing, ventilation, lighting, interior surfaces/cleanliness, enclosures/escapability, sanitation, pest control, feeding and watering, outdoor shelter(s), compatibility, record-keeping, veterinary care, handling, and transportation.

In short: POTH's USDA Class C licensing subjects it to intense scrutiny, and its exhibiting at state fair(s) provide it with a broad exemption from RCW 16.30. Because of its licensing and work with governmental authorities, POTH likewise has been toured by many government agencies such as DFW, animal control

agencies, Skagit County officials, and each have inspected and reviewed its operations. As noted herein, POTH has attached its most recent USDA inspection, which took place in August 2022, where it received a perfect, no-compliance inspection. This is the highest rating available for a USDA inspection. See attached **Exhibit C, USDA August Inspection Results**.

Summary

POTH operates under several exemptions under Washington law. Each of which provide POTH with a full-fledged exemption to the laws regarding the housing and care of wild, exotic and/or potentially dangerous animals. POTH is a resource to law enforcement, animal control, DFW, and many other organizations; POTH works closely with local, state and federal authorities and has the highest-available licensing for civilian organizations (Class C Exhibitor License with the USDA) which requires extensive training, routine (and random) inspections and a litany of regulations for the care of its animals. POTH has been and will continue to be a resource to the community by safely housing and caring for each of the animals that are in its stead.

II. Non-Profit Purpose

There were a few comments inquiring about how POTH can operate educational tours (Airbnb tours, for one) while still maintaining its nonprofit status.

Every activity that POTH undertakes, from educational tours, to speaking events, to fairs, only **furthers its nonprofit purpose**. Simply because a nonprofit engages with a for-profit entity does not void its nonprofit status. The law requires that a nonprofit partake in activities that further its nonprofit purpose—every activity and event that POTH engages in, from educational tours to speaking events, is meant to raise awareness and funds for the protection, caregiving, and safekeeping of the animals it houses. Educating the public through tours is only one way in which that nonprofit purpose is furthered.

POTH's nonprofit purpose is based on connecting us, as humans, to the glory and wonder of creation, including wildlife. God has connected all living things, and it is our job to maintain and care for these animals and the earth. As amended in 2015, under its Articles of Incorporation, "Predators of the Heart is a licensed 501(c)(3) nonprofit organization animal sanctuary that cares for potentially dangerous animals by providing a safe home for unwanted or abused…animals that have been confiscated by animal control agencies as well as potentially dangerous animals that for other reasons need to be safely housed and cared for…" This means that POTH's purpose is to provide care and safekeeping to the animals that it houses—most of which could not survive without the constant care that POTH provides.

Further, and of note: the bylaws of POTH explicitly note that there shall be ***no breeding*** of animals. POTH does not breed exotic animals of any kind.

Historically, POTH was founded as a faith-based, religious organization that connects wildlife and the glory of creation to people. We are stewards of God's creation and are meant to care for these animals; POTH exists to showcase that connection and to educate people on the web of life. Thousands of reviews online showcase that POTH is a place where people experience the beauty and glory of nature—which is why it has not eroded or otherwise developed the natural habitat where the animals reside.

The paid educational tours that POTH provides allows POTH to feed, house and otherwise protect these animals. Every dollar that is raised or paid to POTH goes to the care and well-being of the animals that it provides sanctuary for.

Virtual School Tours

Additionally, over the last number of years, POTH has partnered with Washington state school districts, providing virtual tours and educating thousands of children on how each animal plays a vital role in the web of life. With each of these tours, we are bringing a hope and a new love and appreciation for nature, including the animals we are trying to save and protect. Prior to these virtual tours, for many years POTH provided on-site animal experiences at many schools across the state of Washington.

POTH now also offers free virtual tours to all the schools districts in the United States and hopes to provide international educational tours in the years to come for qualified educational institutions. We hope to bring awareness to our youth the roles each and every animal plays allowing the ecosystem to survive and how we all contribute to the state of the world that we all share. This again is based on our religious foundation and the role that each of us plays in nature.

POTH has also had the opportunity to partner with the Make-a-Wish Foundation. We have had the opportunity to meet and serve an amazing young woman named Addie.

Addie was diagnosed with a brain tumor and was only given a few months to live. Her dreams and desire were to be an exotic veterinary technician. She was able to come out to our property and meet some amazing creatures. The impact she had on our organization are unexplainable. Her family have written a letter on our behalf, which is attached to this response as **Exhibit D, Addie's Letter.** We provide these kinds of tours for free to the Make-a-Wish foundation. It is an honor and a privilege for POTH to provide a safe, secure place where these kinds of tours can take place.

Veteran Programs

POTH also works continuously for those who have served our country. We have partnered with our local military and provide them with an outreach program that caters to the men and women who have fought and served for our freedoms, providing tours to military families who have experienced trauma and have served our country so faithfully. POTH looks forward to continuing to work with local, regional and national organizations that assist veterans.

III. Safety

POTH has worked tirelessly with federal, state and local authorities at providing the safest and most secure facilities possible for the benefit of the community and the technology available. Having been at its current location for over twenty (20) years, POTH has had only two escapes—one of which was the result of repeated antagonization by neighboring, leash-less dogs.

One of the two escapes resulted in the death of a local dog. The neighboring dog, as mentioned, had repeatedly antagonized the wolfdogs of POTH. This was a tragic situation that could have happened to ***any*** neighbors with dogs.

That being said: POTH has taken every available measure to ensure that this ***never*** happens again.

First, POTH has reallocated its enclosures so that no wolves or wolf enclosures border any neighboring property. This means that the wolfdog runs and enclosures will never come in contact with neighbors, their pets or other animals—the enclosures and runs have all been moved so that they are never able to be "antagonized" or in any way approached by bordering properties. It removes all potential engagement with neighboring pets or people.

Second, POTH has implemented six-sided fencing for its wolfdog enclosures. These enclosures are impossible for wolfdogs, or canines of any kind, to escape. This means that there is fencing above, below, and around the wolfdogs. They literally cannot escape as explained more fully below.

Third, nearly every inch of POTH's compound is under surveillance and/or populated with staff 24/7. POTH's camera system tracks each animal, movement, incursions into the property and any movement from the property. The camera system, which again surveys virtually every foot of the property, is monitored 24/7, 365 days a week by POTH staff.

Finally, and most tragically, the wolfdog that was instigated and escaped has been euthanized by POTH. This wolfdog was with the staff for many years and was cared for by them. Still, unprompted, POTH euthanized the wolfdog as a result of the 2021 incident.

Six-Sided Fencing

As noted above, the wolfdogs are now ***always*** in six-sided fences at night, and are never in a position to escape the compound. These safety measures have been reviewed by various agencies, including the USDA, who have remarked that the safety measures taken by POTH are beyond adequate. Again: a six-sided enclosure means that the wolves ***cannot escape***; they cannot dig out and they cannot jump over the fence. The fence is six-sided (above, below and four-walls) at all times when the wolves are not supervised.

Additionally, POTH has reallocated resources and moved its fencing so that none of the wolves, nor their runs, ever border any area where a human or pet could engage with them even through a six-sided fence.

Further, POTH has also put the enclosures of the wolves into *other* enclosures; meaning, even if a wolf were to somehow escape—they would only be able to escape into an additional enclosure. In a six-sided enclosure, escape is impossible. However, even considering that fact, POTH has implemented a fail-safe program whereby the wolves would only be able to escape into another enclosure.

Cameras

For safety and security purposes, POTH has not disclosed all of its camera angles and vantage points, but nearly every square foot of the compound is visible by POTH staff. The compound itself is monitored 24/7 by POTH, 365 days a year. Staff are on-site daily with the animals. When they are not with the animals, the animals are housed in six-sided enclosures as noted above.

USDA Inspections

As recently as August 5, 2022, POTH was inspected by the United States Department of Agriculture (USDA) and came away with its highest inspection status (no non-compliance). POTH continues to hold a Class C Exhibitor license, which is the highest licensing available to non-government agencies.

This also means that **any escape** requires a USDA inspection. Further—even when **no escape** occurs but an escape is ***reported or alleged***, POTH is subsequently inspected by the USDA. This means that even when no escape happens, and, say, a coyote is mistaken for a wolf—the USDA still visits POTH and inspects its

facilities. This happens regularly. Additionally, POTH has invited other government agencies, such as Department of Fish and Wildlife and animal control agencies, including Skagit County officials, to inspect and review its operations. The comments from neighbors do not seem to have a clear understanding as to what POTH does, nor what animals it houses. Most of the animals at the POTH facility are rescued animals; the animals that are not, such as ambassador wolfdogs, are highly trained and are not considered dangerous or exotic by the USDA nor the Department of Fish and Wildlife. They are classified as canines. They are no more dangerous or vicious than any other dog, though, like all dogs, have different temperaments. POTH has attached its last 2 USDA inspection results to this Response. POTH has provided the results of its August inspection as noted herein.

Further, claims that POTH has had "repeated escapes" is inherently false.

"Repeated" Escapes

Some of the commenters have indicated "seeing" wolves on their property or properties. This is incorrect.

It is important to note that most of the public comments likely have been promulgated and fueled by Kevin Welch, a businessman who has a history of disrepute in the community who has targeted the Predators of the Heart property for development. If POTH is denied a permit, Mr. Welch has long desired to acquire POTH's property for his own benefit and leisure. Mr. Welch has made more than one offer on the POTH property over the years. Further, if POTH is denied a permit—most of the animals that have been provided sanctuary will have to be euthanized.

Mr. Welch has repeatedly sought to trespass onto POTH's property, approaching our fence line and gated entrance in an effort to gain access so as to attempt to harm POTH and its organization. He, or his employees, have likely also repeatedly called POTH over the last number of months attempting to get POTH to violate its agreement with Skagit County. Mr. Welch even sought to book an educational tour with POTH, knowing that POTH was shut down while going through the Special Use Permit process. Mr. Welch also claims that POTH's operations will bring excessive traffic to the area; we have also attached the camera footage of his property receiving over 36 vehicles in one day and 22 vehicles on another. POTH does not receive nearly that amount of traffic on any given day. Suffice to say: neighboring properties receive far more traffic than the few cars that travel to/from POTH's compound for educational tours.

In any event, the actions of Mr. Welch show that he is not a concerned citizen. If Mr. Welch was so concerned with the safety of the animals—including the housing of the wolfdogs on the property or the other rescued animals being dangerous—he would not have repeatedly trespassed onto POTH property attempting to take pictures while attempting to incriminate POTH.

Further, Mr. Welch, or Mr. Welch's attorney, cites nebulous, baseless claims. For instance, Mr. Welch's attorney notes that, "one of our clients has seen wolves running loose on adjacent properties and in the Anacortes Community Forest on at least five separate occasions." This type of vague, unfounded claim is only meant to stir up fear for Mr. Welch's personal gain. Regarding that specific statement: first,

there have been no escapes other than what has been publicly noted and discussed by POTH. Any escape, **and any alleged escape**, requires that the USDA be notified with a follow-up inspection. There have simply been no escapes.

Second: all of these properties are located in an admittedly *rural* area, bordering on hundreds of acres of forest and trails. Many animals—including large dogs and coyotes—run freely on these trails and in this area. It would

be impossible to identify a wolf unless it were up close—very close—to a human being. If a wolf were identifiable as belonging to POTH, it would have been noted and written about already. No wolves have escaped. Additionally, if a wolf were ***running*** as indicated by Mr. Welch's attorney—how could it have been identifiable as a wolf to an untrained eye, from an unknown distance? How could an untrained individual identify that a wolf and not a coyote or a large dog was "running" on land that borders over 500 acres of forest land and trails? The reality is that those kinds of claims are patently false and intentionally unverifiable—they are fearmongering statements that have no way of being verified, and only serve to scare people.

The reality is that there have not been "repeated" escapes. There have been two escapes in over 20 years, and one was at least partially due to the repeated instigation of a leash-less dog. As noted above, that issue has been remedied—the wolfdog enclosures no longer border any other property. Further, the wolfdog responsible has been euthanized and additional measures have been implemented to ensure that no wolf ever escapes again, regardless of the antagonization that occurs on the other side of the fence.

2012 Escape

First: wolfdogs are not classified by the USDA or Washington State as "Dangerous Animals" nor are they considered wildlife.

As noted above, POTH has already addressed the fact that neither the federal government nor Washington state recognize wolf-hybrids as "potentially dangerous animals" nor are they considered wildlife.

Second: Like any organization, POTH has drastically changed in its operations from 2012. Technology has changed and so have the operations for POTH. It has implemented many new security measures since 2012 and management has changed entirely. Some of those changes have been noted herein.

Third: as noted above, the wolfdogs are now ***always*** in six-sided fences at night and are never in a position to escape the compound. These safety measures have been reviewed by various agencies, including the USDA, who have remarked that the safety measures taken by POTH are beyond adequate. Again: a six-sided enclosure means that the wolfdogs ***cannot escape***; they cannot dig out and they cannot jump over the fence. The fence is six-sided (above, below and four-walls) at all times when the wolves are not supervised.

Fourth, and finally: during the 2012 escape, no one was injured, and the wolfdog was more docile than most common house dogs. To recount: the wolfdog at that time was approached by a law enforcement officer, who was accompanied by a German Shepherd—the POTH wolfdog came when called and was leashed without incident. This instance would have been threatening to most dogs; a law enforcement agent, accompanied by a large breed dog, would have been threatening to most dogs—and yet, the POTH wolfdog was docile, came when called, and was leashed without incident.

The public comment made by Mr. Welch makes specific note of the backseat of the law enforcement vehicle being "destroyed". This is a misstatement and shows a clear propensity to try and manipulate facts. **Any dog placed into the backseat of a car—especially a car with no windows—would become agitated and try to escape.**

Further, any dog that is housed exclusively outdoors and is not "house trained" would have a similar response to being put into an enclosed vehicle without supervision because it would cause the animal anxiety. In other words: if a Bernese Mountain dog who lived outside, or a German Shepherd or any large breed dog, were placed into the back of a vehicle without supervision, such an act would likely cause anxiety and the dog—any dog—might have a similar response. Even small dogs, such as a Jack Russell Terrier, would

or could "destroy" a car in the same manner as the wolfdog. The "destruction" of the backseat of a car is not an act of aggression; any animal expert—and most animal lovers—would testify to the same truth.

The fact that Mr. Welch failed to note (or his attorney failed to note) was the fact that the wolfdog was ***completely docile*** and ***non-aggressive*** with the law enforcement agent ***and the law enforcement agent's dog*** show that they have no idea about the actual proclivities of the animals housed at POTH. Mr. Welch paints his own picture that the wolfdogs housed by POTH are vicious, wild animals—and yet cites to a story (from 2012) that shows, unequivocally, that the wolfdogs **come when called** and are **leashed without issue**. This is a great example as to POTH's animal sanctuary and why it exists in the first place—to educate the public on the web of life and the wonder of creation.

Mr. Welch's attorney also seems to make arguments that are incompatible with each other: on the one hand, he argues that the POTH property is located in a "rural community" that has very few people present, and yet simultaneously argues that POTH is surrounded by many families and homes.

In truth, Mr. Welch is not anywhere near the POTH property. His repeated trespasses onto the POTH property clearly show that he, for one, does not find the POTH property to be dangerous or a nuisance. It would appear that the primary instigator—the person responsible for most of the negative ire directed at POTH's operations—is clearly someone who is not worried about his own safety or the safety of the Welch Lane community as he so boldly trespasses onto the POTH property.

These animals, like all animals, are not human. They are in need of service and protection; they have been rescued from dire situations. Each animal has been accounted for and is available for viewing, as many rescues allow, so that the public can be educated on their need and connectedness to nature. God has created these animals; it is our job to steward and protect them.

IV. Misstatements and Clarifications

A number of comments had misstatements or fallacious information in them, which we will seek to clarify below.

"Predators houses and breeds dozens of dangerous, wild animals"

- Predators does not breed animals, neither does it house wild animals.
- All of the animals housed are rescued or have been acquired from dire situations—such as the cougars, which were acquired by POTH prior to 2007. By way of example, these cougars are old, decrepit and sick. One of the cougars, Boy, suffers from severe diabetes. He would not and could not survive in the wild, which is why POTH cares for him daily.

"It is unclear what percentage of the Predators animals are indeed full wolves"

- None of the wolves are "full wolves". Every wolfdog housed by POTH is a wolfdog—there are no "full wolves".

"A wild animal "sanctuary" is incompatible with the neighboring properties because it poses a significant threat to the safety and health of the Welch Lane community."

- POTH has been on this property without issue for over 20 years. It is notable that not every bordering neighbor sees POTH as a problem—only a few, and those few are led by Kevin Welch, who has sought to acquire POTH's property for his own benefit. POTH has lived peaceably with other neighbors in the Welch Lane community that have not been instigated by Kevin Welch for over 20 years.
- A singular instance whereby an instigating dog was killed has been rectified by POTH, both financially and operationally. POTH is routinely checked by federal authorities for its safety compliance. It has reallocated its resources so that no wolfdog enclosure borders any neighboring property and has implemented a six-sided fencing system to ensure that wolfdogs cannot escape.
- POTH has been a continual resource to the community, including working closely with law enforcement, animal control, the U.S. military and other federal and state agencies to provide sanctuary for these animals.

"An October 2017 escape occurred"

- There was no escape at that time. Instead, an individual trespassed onto POTH property—the story cited merely notes that POTH implemented "warning signs" regarding its property.

"Humane shelters do not breed animals or offer paid tours to the public; their primary purpose is to rescue and rehome unhoused animals."

- This was clearly written by an individual who only knows of dog and cat shelters. Most of the animals rescued and housed by POTH cannot be "rehomed". They require specialized care and are brought to POTH precisely because no one can care for them.
- Additionally, as noted, POTH does not breed animals. This is stated clearly in its Articles of Incorporation, which is publicly available on the Secretary of State's website
- Over 80% of its animals have been brought to POTH due to rescue—which is supported by the contracts POTH have provided in this response.

"The exception for persons displaying animals at a fair under RCW 16.30.020(1)(l) does not apply to [POTH]…"

- Mr. Welch's attorney goes out of his way to state that the Legislature "did not intend to allow an organization or individual to house dozens of…animals on a year-round basis so long as they show animals at a state fair a few times per year" and yet—cites no authority about the Legislative intent for this exemption which clearly applies to POTH as it does, indeed, exhibit animals at fairs for several years.
- The plain language of the statute speaks for itself—the fair exemption is one of the exemptions for organizations to be exempt from the cited statute.

- Rather than cite actual authority or legislative intent, Mr. Welch's attorney cites *City of Yakima v. Godoy*, a case that has nothing to do with RCW 16.30.020—but is about whether a car can be parked on

a highway during a police chase. This is a clear attempt to make it *seem* like case law that supports his position, when in reality the plain language of the statute at hand exempts POTH due to its work in the public spectrum at fairs.

- Mr. Welch's attorney, lacking authority, uses subterfuge and unrelated case law to attempt to misdirect Skagit County into believing that POTH's operations are somehow illegal—which they clearly are not.

"[POTH]…continues to violate various state laws"

- The citations set out by Mr. Welch and Mr. Welch's attorney are all virtually focused on the same misdirection. POTH has several legal exemptions that allow it to operate, which it has noted above. It provides a public service to animal control and many state and federal entities. POTH is currently engaged in contractual relationships with multiple government entities.
- It is not a *per se* public nuisance because it is *exempt* from the statutes cited. Per se, meaning in violation of the law, is a false statement.

"POTH already creates and will continue to create undue noise and odor for the surrounding dwelling units."

- Ironically, Mr. Welch (who made this comment) has far more traffic enter/exit onto his property than POTH on any given day. For example, on August 30, 2022 to August 31, 2022, Kevin Welch—the neighboring property for POTH—had no less than **20 vehicles** enter and exit his driveway, which includes his own employees and laborers. On September 6,2022, Mr. Welch's property had **36 cars** enter and exit his property. Mr. Welch also utilizes four-wheelers and ATV units on his property, and on any given day, uses massive street sweepers to clear his driveway as well as tractors and a "boom mower" to cut trees loudly and in mass. See attached **Exhibit E, Kevin Welch Property Traffic.** POTH is privy to this information because of its camera system, which monitors any potential exits or incursions to/from the POTH property. Suffice to say, Mr. Welch's property and his property's activities create far more traffic and noise than POTH's compound.
- Mr. Welch's attorney cites a complaint from 2015 which was dismissed—largely because the claims were not factually based, but were based on unsupported commentary by Mr. Welch himself.
- There are no odors from meat or other waste because POTH utilizes dumpsters. See attached **Exhibit F, Photos of POTH Dumpster.** All waste is properly disposed of.
- The property is in a rural location, bordering hundreds of acres of forest land, whereby actual wild animals do, indeed, make noise. The POTH compound is exceedingly quiet. The cougars referenced by Mr. Welch can barely walk—they do not screech. The wolfdogs housed by POTH howl three to four times per day—for less than 50 seconds. The noise does not stop regular conversations during educational tours—it is not excessive, repetitive nor exceedingly loud.
- There is no basis under which Mr. Welch claims that there is "excessive noise"; Skagit County employees were on-site and can attest to the volume of the animals.

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"How can they work with AirBnB and be a nonprofit?"

- The term "nonprofit" is short for ***not-for-profit***—it does not mean that an organization cannot charge for tours or activities that further its nonprofit purpose. For example, aquariums, zoos, wildlife sanctuaries—all charge for tours and yet they maintain their respective statuses as nonprofit organizations. With that, any nonprofit activity—such as an educational tour—must be "in furtherance of its nonprofit purpose"—of which every activity that POTH engages in does (including its educational tours).
- Moreover, all proceeds generated by POTH, its educational tours and other activities go exclusively to the care and safekeeping of the animals POTH houses. Not-for-profit means that the organization itself is not meant to benefit or profit an individual, partners or shareholders. POTH is a vetted 501(c)(3) organization with both the IRS and the Washington Department of Revenue. It exists to further its nonprofit purpose, which it has done for the last 20+ years.

"[POTH] and its frequent paid tours generate and will continue to generate intrusions on the privacy of surrounding uses."

- As noted: POTH has far less traffic than one of the chief complainants, Mr. Kevin Welch. Mr. Welch has far more employees visiting his property on a daily basis and creates more noise with his property upkeep than any of POTH's activities.
- POTH does not generate "commercial traffic"; they have less than twenty people per day on any given day in a rural area.

"Never until the past four or five years have I felt unsafe walking in the forest lands right adjacent to our property…our neighbors [POTH] have been in the news with documentation of dogs being killed by their hybrid wolves."

- Oddly, Jenny Welch (wife of Kevin Welch) should know that POTH has been operating with its various rescued animals—including its wolfdog population—since 2001yet has "felt unsafe" in the last four or five years. There's no explanation as to why she suddenly felt "unsafe" in the last "four or five years" since POTH has been on the property and operating in the same manner since 2001.
- Ms. Welch cites to a "freelance writer Betsy Sikora Siino" in an unpublished "article".
- This kind of fearmongering is not based in any kind an accurate depiction of wolfdogs and is not a credible source.

"POTH is seeking to expand"

- There is no planned expansion—nowhere in the Special Use Permit application has POTH stated that it plans to expand operations. If anything, POTH has sought to reduce its population in recent years.

"It's a pay to play zoo where you can pay large sums of money to stay overnight"

- This is patently false. POTH is a wildlife sanctuary that provides educational tours in furtherance of its nonprofit purpose. There are **no overnight** accommodations, nor is POTH a "pay to play zoo".

WOLF ENCOUNTERS ANACORTES, WA

Predators of the Heart

"Dedicated to wildlife education, conservation, rescue"

4709 Welch Lane, Anacortes, WA 98221

Email: admin@predatorsoftheheart.com Phone: (360)770-7479

POTH exists to provide sanctuary and to educate the public on the importance of these wonderful, glorious creatures. We continue to work closely with federal, state, and local authorities to house animals that would otherwise be euthanized and/or can no longer care for themselves. It is a joy and a privilege to care for these animals. If our Special Use Permit is denied, many, if not most of these animals will have to be euthanized.

Thank you for your consideration and working with us through the permitting process. If you have any more questions, please feel free to contact me.

Ashley Carr
President / Executive Director
Predators of the Heart
360-770-7479

EXHIBIT B

SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

EDWARD & LYNNE BORLIN, DAVID & PAMELA KNUTSEN, NOLAN BERLIN & MILLICENT SWIETZER, and KEVIN & JENNY WELCH, Plaintiffs, v. PREDATORS OF THE HEART, a Washington nonprofit corporation, ASHLEY CARR, and DENISE COLEBURN, Defendants.	NO. 22-2-00526-29 PREDATORS OF THE HEART'S RESPONSES TO PLAINTIFFS' FIRST DISCOVERY REQUESTS

I. PRELIMINARY STATEMENT

Predators of the Heart (***POTH***) submits the following responses to Plaintiffs' First Set of Interrogatories and Requests for Production.

These responses are made solely for the purpose of this action. Each response produced is subject to all appropriate objections (including, but not limited to, objections concerning competency, relevancy, materiality, propriety and admissibility) which would require the exclusion of any statement contained herein, if any such information were sought to be introduced into evidence in Court. All such objections and grounds are reserved and may be interposed at the time of trial.

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Except as expressly admitted in these responses, no facts should be taken as admitted, implied, or inferred from these responses. Further, no inference as to the existence of any responsive information or documents should be made from the assertion of any objection to any interrogatory contained herein.

POTH objects to Plaintiffs' interrogatories and requests for production to the extent they seek information and/or documents protected from disclosure as confidential, proprietary, trade secret, research, development, commercial, personal, or other protected information. As such, nothing contained in these responses is intended to, nor shall be deemed, a waiver of any available privilege or immunity. To the extent that any of Plaintiffs' interrogatories or requests for production call for such information, POTH objects to the same and assert privilege and/or the need for Court protection. If any privileged or protected document or information is disclosed, except pursuant to a specific agreement concerning the same, then the disclosure shall be deemed inadvertent and shall not be evidence of an intention to waive any applicable privilege or protection.

POTH objects to Plaintiffs' interrogatories and requests for production insofar as they neither call for information and documents which are relevant to the subject matter of the action, nor are they reasonably calculated to lead to the discovery of admissible evidence.

POTH objects to Plaintiffs' interrogatories and requests for production as unduly burdensome or expansive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources and the importance of the issues at stake in the litigation, pursuant to CR 26(b)(1).

POTH objects to Plaintiffs' interrogatories and requests for production to the extent that they seek information from each Defendant simultaneously through a single request. POTH is aware that most Defendants lack any knowledge of the substance related to Plaintiffs' demands, which underscores their improper purpose.

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POTH objects to Plaintiffs' definitions and instructions to the extent that the same impose burdens which are not authorized by the Civil Rules or seek to invade attorney-client privilege or violate any other applicable privilege. Further, all statutory and common law privileges are hereby preserved with respect to POTH knowledge, information, and documentation in their possession.

POTH has not completed an investigation of facts, witnesses, or documents related to this action; have not completed analyses of available data; have not yet completed discovery in this action; and have not completed preparation for trial. Thus, although a good faith effort has been made to supply pertinent information when it has been requested, it is not possible in many instances for unqualified responses to be made. Further, the responses are necessarily made without prejudice to POTH right to produce any subsequently discovered facts, witnesses, or documents, as well as any new theories or contentions that any of them may adopt. These responses are also given without prejudice to POTH right to provide facts, witnesses, or documents omitted from these responses by oversight, inadvertent or good faith error or mistake. POTH may furnish information that includes hearsay and other forms of evidence that are neither reliable nor admissible. The foregoing objections, qualifications, and limitations are incorporated by reference into each one of the following responses to the particular interrogatories and requests for productions set forth below.

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POTH'S RESPONSES

INTERROGATORY NO. 1: Identify any person with whom you have communicated regarding this lawsuit, the subject matter of this lawsuit, or the allegations of the Complaint (not including your attorneys of record in this lawsuit). For each person, identify the nature, contents, and date of each such communication.

ANSWER:

Objection. The request is overly broad, unduly burdensome, compound, and not reasonably calculated to lead to the discovery of relevant evidence.

Without waiving such objections, POTH has discussed this lawsuit amongst its board members, Ashley Carr, Daniel Overman, and April Grossrock. POTH has also discussed this lawsuit with its employees. Furthermore, POTH posted a story on various social media sites regarding the lawsuit.

INTERROGATORY NO. 2: Identify each person whom you expect to call as an expert witness; state the subject matter on which the expert will testify; state the substance of the facts and opinions to which the expert will testify; and state the grounds for each opinion.

ANSWER:

POTH has yet to identify an expert witness. POTH may supplement this answer as the litigation progresses.

INTERROGATORY NO. 3: For the time period September 1, 2012, through the present, identify all current and past members of your Board of Directors, including each member's name, title, years involved in the role, and current contact information.

ANSWER:

Ashley Carr

April Grossrock

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Daniel Overman

William Coleburn

Jeanne Hall

Jack Coleburn

David Wertz

Tony Cloud

Denise Coleburn

Justin Krueger

INTERROGATORY NO. 4: For the time period September 1, 2012, through the present, identify all your employees, including full- and part-time employees. For each employee, provide the individual's name, job title or a brief description of their responsibilities, relevant degrees and certifications, years employed, and current contact information.

ANSWER:

Objection. The request is overly broad, unduly burdensome, beyond the scope of Plaintiffs' litigation, compound, and not reasonably necessary to lead to the discovery of relevant evidence.

Ashley Carr: Executive Director/ Manager. Manages day to day operations, USDA Certified. Has been with POTH for 24 years employed in 2008 volunteered from 1998-2008.

Holly Soyke: Animal Caretaker, cares for the animals and performs education tours. Interned 2018 for 3 months, employed May 2019. Has BS in zoology, Masters certificate in wildlife management, working on masters in natural resources, USDA certified.

Jeremy Gier: Animal Caretaker: Cares for animals helps with educational tours. USDA Certified. Employed 11/2018

Timothy Wilson: Animal Caretaker: Cares for animals helps with educational tours. USDA Certified. Employed 3/28/2022

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Angela Smith: Animal Caretaker: Cares for animals helps with educational tours. USDA Certified. Employed 7/14/2022

Denise Downs: Accountant: Accounts receivable. Employed 3/1/22

INTERROGATORY NO. 5: For the time period September 1, 2012, through the present, identify your volunteers, including the individual's name, date range during which they volunteered, and contact information.

ANSWER:

Objection. The request is overly broad, unduly burdensome, beyond the scope of Plaintiffs' litigation, compound, and not reasonably necessary to lead to the discovery of relevant evidence. Without waiving these objections, the names provided below are not exhaustive, and Plaintiffs' should review documents provided with these responses at Bates Stamp 1443 through 1479.

William Coleburn

Jeanne Hall

Jack Coleburn

David Wertz

Tony Cloud

Denise Coleburn

Justin Krueger

Ashley Carr

Daniel Overman

April Grossrock

Alicia Lanphear

Chris Patterson

Sunny Lee

Kenny Cole

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Caleb Cole

Kurt Cole

Cody Knight

Sadie Dupar

Alyssa Rennengay

Agnes Reese

Kevin Lowrey

Chrystal Lowrey

Ross Baker

Mike Roddy

John Winter

Tina Belle Isle

Mark Bodie

Margot Knuth

Mark Beaudet

Greg Shellen

Kevin Martinez

Paige Coburn

Brandon Wallace

Bruce Mullen

Kim Cole

Angie Zwiers

Ryan Tupper

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INTERROGATORY NO. 6: Identify all Animals currently in your possession, custody, or control. In your response, include the species, number of each species, how each Animal was obtained (*e.g.*, purchased, bred by Predators, received from individual, received from governmental agency), and what type of enclosure each Animal is housed in.

ANSWER:

Objection. The request is overly broad, unduly burdensome, and compound. The animals listed below are all housed in enclosures that are in compliance with all state and federal regulations.

ANIMAL	HOW RECEIVED
Cougar	Owned prior 2007
2 Cougars	Born at facility
Bobcat	Rescue
15 wolves	Born at facility
4 Racoons	Rescue
2 Sloths	Authorities
Armadillo	Authorities
4 Sulcata Tortoises	Rescue
4 Ducks	Rescue
2 Doves	Rescue
3 Pheasants	Rescue
Porcupine	Authorities
Coatimindi	Authorities
3 Rabbits	Rescue
Giant Anteater	Authorities
8 Opossums	Rescue

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2 Marmosets	Authorities
9 Cockatoos	Authorities
2 Amazons	Authorities
6 Macaws	Authorities
15 Parakeets	Rescue
Lord Darby	Authorities
2 Cockatiels	Rescue
6 Plum Heads	Authorities
2 Red Footed Tortoises	Rescue
Blood Python	Rescue
2 Ball Pythons	Authorities
Rattlesnake	Authorities
Savannah Monitor	Rescue
Caiman Lizard	Authorities
2 Iguanas	Rescue
2 Reticulated Python	Rescue
Blue Tongue Skink	Rescue
6 Alligators	Authorities
2 Snapping Alligators	Authorities
2 Burmese Pythons	Rescue
Beaded Lizard	Rescue
Yellow Headed Vulture	Unknown
Striped Skunk	Rescue
Hooded Skunk	Authorities
Carpet Python	Rescue

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Albino Red Tailed Boa	Rescue
2 Kinkajous	Transfer
2 Goats	Purchased

INTERROGATORY NO. 7: For the time period September 1, 2012, through the present, identify every Escape of any Animal from its enclosure, including the Animals involved, persons present at the Property when the Escape occurred (if any), persons notified of the Escape, time elapsed before capture, and how and by whom the Animal was ultimately captured.

ANSWER:

In the last 20+ years, there have been two escapes.

In 2012, our white wolfdog, Shasta, escaped. This wolfdog was ultimately apprehended without issue by animal control and was returned to POTH. No individuals or animals were injured. This has been documented previously and all facts have been previously sent to Plaintiffs and is available via public record. POTH's enclosures have been drastically overhauled since this time, as this escape occurred over ten years ago.

In October 2021, POTH staff discovered that, after being provoked by an unleashed, neighboring dog, three wolfdogs dug beneath the fencing of their day run to pursue the provoking neighbor dog. The neighboring dog was killed by Celine the wolfdog. The escape occurred at 9:27am and the wolfdogs were apprehended by staff within 20 minutes. The wolfdogs all came when called.

As a result of this escape, POTH euthanized Celine. POTH notified USDA, animal control, and the City of Anacortes immediately; neighbors were contacted via local authorities.

Further, POTH has re-allocated resources so that no neighboring properties border wolf enclosures, thus eliminating the ability of wolfdogs to escape onto neighboring property regardless of provocation.

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INTERROGATORY NO. 8: For the time period September 1, 2012, through the present, identify all injuries to persons occurring at the Property as well as all instances in which you were notified of an injury occurring at the Property, including the name of the injured person, relationship of the person to Predators, Animal(s) involved (if any), and date of the incident.

ANSWER:

In 2018, a puppy nipped at a guest, Jennifer, but did not break her skin or clothing. The guest was ultimately frightened, but no injury occurred. The guest called POTH shortly after the experience and apologized for her erratic behavior and confirmed that no injury occurred.

On April 19 2022, an employee, Amanda McCall, was bit on her hand by one of the sloths.

INTERROGATORY NO. 9: Identify all certifications, accreditations, or licenses that you currently possess, as well as all pending applications for certifications, accreditations, or licenses.

ANSWER:

USDA Class C Exhibitors- 91-C-0071

Tax Exempt- 91-1951095

Skagit County Special Use Permit

INTERROGATORY NO. 10: Identify all certifications, accreditations, or licenses for which you applied but did not receive.

ANSWER:

In 2014, a Skagit County Special Use Permit was refunded from the County. Due to the permitting being unnecessary for POTH's operations.

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INTERROGATORY NO. 11: For the time period September 1, 2012, through the present, identify all instances in which you sold any Animal(s) in your custody, possession, or control.

ANSWER:

Wolf Dog Transfer Date
8/16/12
4/17/13
5/1/13
5/2/13
5/13/13
5/14/13
5/23/13
6/5/13
6/17/13
6/17/13
6/26/13
6/28/13
7/6/13
5/19/14
6/2/14
4/13/15
4/16/15
5/12/15
5/12/15
5/24/16
5/25/16
5/27/16
6/2/16
6/3/16
6/6/16
6/14/16
5/16/17
5/30/17
6/16/17
6/20/17
5/29/18

INTERROGATORY NO. 12: Identify each Animal currently in your possession, custody, or control (including but not limited to wolves, wolf-hybrids, and mountain lions) that was bred by Predators or otherwise born at the Property.

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ANSWER:

One cougar was conceived by accident approximately ten years ago; USDA was notified and is aware of the incident, and it has not occurred since.

Wolfdogs had been conceived prior to SCC 7.04 for conservation efforts, as allowable by law.

INTERROGATORY NO. 13: For the time period September 1, 2017, through the present, identify all instances in which you displayed your Animals at a fair and which Animals were displayed at each fair.

ANSWER:

2017 Grant County Fair and Chelan County Fair.

2018 Chelan County Fair

2019 Chelan County Fair

2021 San Juan County Fair

Wolfdogs, cougars, owl, vulture, porcupine, opossums, prehensile porcupine, cobra, green mamba, rattle snakes, alligators, corn snakes, skunk, fox, blood python, reticulated python, kinkajou, beaded lizard, glia monster, Burmese pythons, iguanas.

INTERROGATORY NO. 14: For each of your current employees with supervisory responsibilities or your agents with supervisory responsibilities, state that person's name, scope of authority, duties, dates of employment, supervisor(s), and compensation.

ANSWER:

Ashley Carr: Executive Director Supervisors Manages day to day operations

Holly Soyke: Animal Caretaker Lead for wolfdog and feline care

Jeremy Gier: Animal Caretaker Lead for Sloth and Birds

Timothy Wilson: Animal Caretaker Lead for Small Mammals

Angela Smith: Animal Caretaker: Lead for farm life and small mammals

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Denise Downs: Accountant: Accounts receivable

INTERROGATORY NO. 15: Identify the number of wolves in your possession, custody, or control, and identify which of those wolves was born at the Property and when.

ANSWER:

None.

INTERROGATORY NO. 16: Identify the number of wolf-hybrids in your possession, custody, or control, and identify which of those wolf-hybrids was born at the Property and when.

ANSWER:

All wolfdogs in current possession and custody were born on-site due to conservation efforts by POTH and as allowable by law.

INTERROGATORY NO. 17: Identify the height of each of the enclosures for the wolves, wolf-hybrids, and mountain lions in your possession, custody, or control.

ANSWER:

All enclosures meet all requisite USDA standards and requirements.

Cougars 8' 6 sided (top, bottom, 4 sides)

Wolves 6-8' with 2' tilt-ins and 5-strand electric for day runs with perimeter. Night runs 8' 6 sided (top, bottom, 4 sides) with perimeter 6'-8' with 2'tilt ins and electric 5 strand. After 2021 escape, POTH re-allocated resources to move all enclosures so that no enclosure borders any neighboring property as noted above.

INTERROGATORY NO. 18: Identify all services or platforms which you have used to sell or advertise tours, including but not limited to Airbnb.

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ANSWER:

POTH partners with AirBnB to promote and provide educational tours; such educational tours are also listed on POTH's website.

INTERROGATORY NO. 19: Identify each instance in which you advised any Plaintiff(s) of an Escape from the Property.

ANSWER:

For the Macaw escape: yes, neighbors were notified and assisted in re-capture. Macaw ultimately flew back onto the POTH property.

2012 escape: neighbors were notified as was animal control and local law enforcement (and USDA).

2021 escape: due to the swift nature and recapture of the wolfdogs, neighbors were notified after re-capture. Animal control, local authorities and USDA were all notified immediately.

INTERROGATORY NO. 20: Identify each person with knowledge of any Escape of any Animal that was or is in your custody, possession, or control.

ANSWER:

Ashley Carr, Jeremy Geir, Holly Soyke, William Coleburn.

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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 1.

RESPONSE:

Please see produced documents. Bates stamped POTH 0001-1154.

REQUEST FOR PRODUCTION NO. 2: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 2.

RESPONSE:

Please see response to interrogatory no. 2.

REQUEST FOR PRODUCTION NO. 3: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 6.

RESPONSE:

Please see produced documents. Bates stamped POTH 1155-1174.

REQUEST FOR PRODUCTION NO. 4: For every Animal identified in Interrogatory No. 6 as having been received by you from a governmental agency, produce all Documents between you and that agency concerning the Animal(s).

RESPONSE:

Objection. The request is unduly burdensome as these documents are available via public records and were disclosed during the public comment portion of POTH's application for a special use permit. Without waiving this objection, please see produced documents at POTH 1175-1191.

REQUEST FOR PRODUCTION NO. 5: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 9.

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RESPONSE:

Please see produced documents at POTH 1176-1223.

REQUEST FOR PRODUCTION NO. 6: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 10.

RESPONSE:

Please see produced documents at POTH 1224-1259.

REQUEST FOR PRODUCTION NO. 7: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 11.

RESPONSE:

Please see produced documents at POTH 1260-1266.

REQUEST FOR PRODUCTION NO. 8: For the time period September 1, 2012, through the present, produce all Documents reflecting or referencing your Board of Directors' meeting minutes.

RESPONSE:

Please see produced documents at POTH 1267-1287.

REQUEST FOR PRODUCTION NO. 9: For the time period September 1, 2012, through the present, produce all Documents that evidence, reflect, refer, or relate to any complaint about or concerning you, the Property, or any Animal in your in its possession, custody, or control, including but not limited to complaints from visitors, volunteers, employees, and community members.

RESPONSE:

Objection. The request is broad, compound, and ambiguous. Without waiving the objections, Plaintiffs' are in control of the documents they have used to file this complaint. Furthermore, documents of various complaints are part of the public records during the open

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comment period of the Skagit County special use permit process. Without waiving these objections see produced documents at POTH 1288-1289. This answer may be supplemented as discovery progresses.

REQUEST FOR PRODUCTION NO. 10: Produce all Documents reflecting correspondence with Airbnb concerning Predators of the Heart and/or the Property.

RESPONSE:

Objection. The request is unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

REQUEST FOR PRODUCTION NO. 11: Produce all contracts with Airbnb or any similar platform, and all Documents reflecting any contracts with or contractual obligations to Airbnb or to any similar platform.

RESPONSE:

Objection. The request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant evidence. Without waiving the objections, please see produced documents at POTH 1290-1292.

REQUEST FOR PRODUCTION NO. 12: Produce all Documents previously produced by you to Skagit County in the Skagit County Litigation.

RESPONSE:

Objection. The request is unduly burdensome, redundant, and not reasonably calculated to lead the discovery of relevant evidence. All documents have been produced to Plaintiffs as part of the public comment process. Plaintiff produced those documents during the public comment time. All documents not references are available via public record.

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REQUEST FOR PRODUCTION NO. 13: For the time period September 1, 2019, through the present, produce Documents sufficient to show your month-by-month profits and losses.

RESPONSE:

Please see produced documents at POTH 1293-1298.

REQUEST FOR PRODUCTION NO. 14: For the time period September 1, 2019, through the present, produce Documents sufficient to show your month-by-month revenue.

RESPONSE:

Please see produced documents at POTH 1299-1304.

REQUEST FOR PRODUCTION NO. 15: Produce all Documents concerning your 2014 special use permit application, including any correspondence from Skagit County indicating that you were not required to secure a special use permit.

RESPONSE:

Please see produced documents at POTH 1305-1306. Much of the correspondence occurred via in-person meetings; as a small nonprofit organization, extensive records being kept of correspondence was not required by any law.

REQUEST FOR PRODUCTION NO. 16: For the time period September 1, 2012, through the present, produce all Documents reflecting or referencing your bylaws.

RESPONSE:

Objection. The request is unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

REQUEST FOR PRODUCTION NO. 17: For the time period September 1, 2012, through the present, produce all agreements with any Federal, State, or County agency or other regulatory body.

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RESPONSE:

Objection. The request is unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

REQUEST FOR PRODUCTION NO. 18: Produce all Documents provided to Skagit County in connection with your 2022 special use permit application.

RESPONSE:

Objection. The request is unduly burdensome as Plaintiffs are already in possession of these documents. All documents are public records. Without waiving these objections see POTH 1306-1408.

REQUEST FOR PRODUCTION NO. 19: Produce all correspondence concerning your 2022 special use permit application, including internal correspondence and correspondence with Skagit County.

RESPONSE:

Objection. The request asks for disclosure of communications that are protected by attorney-client privilege. All relevant documents are available to Plaintiffs via public records.

REQUEST FOR PRODUCTION NO. 20: Produce Documents sufficient to show your legal claim to and ownership over the Property.

RESPONSE:

Please see produced documents at POTH 1409-1415.

REQUEST FOR PRODUCTION NO. 21: Produce all Documents reflecting any right of refusal on sale of the Property.

RESPONSE:

No documents exist.

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REQUEST FOR PRODUCTION NO. 22: Produce Documents sufficient to show any easement access to the Property.

RESPONSE:

Please see produced documents at POTH 1416-1428.

REQUEST FOR PRODUCTION NO. 23: Produce all Documents concerning the Escape that occurred in 2021.

RESPONSE:

Objection. The request asks for disclosure of communications that are protected by attorney-client privilege. All relevant documents are available to Plaintiffs via public records. Without waiving such objections, see produced documents for the USDA report of escape at POTH 1429-1431.

REQUEST FOR PRODUCTION NO. 24: Produce all Documents concerning your 2022 purchase of the Property from William Coleburn, including your financing of that purchase.

RESPONSE:

Objection. The request is unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence. Without waiving these objections, please see produced documents at 1432-1442.

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ATTORNEY CERTIFICATION

In compliance with CR 26(g), the undersigned attorney for Predators of the Heart has reviewed the objections provided in these discovery responses.

DATED this 31st day of October 2022.

OSERAN HAHN P.S.

By: *s/ Caleb M. Stewart*
Caleb M. Stewart, WSBA No. 51522

PARTY VERIFICATION

I, Ashley Carr, have provided and read the above answers to Plaintiffs' First Set of Interrogatories and Requests for Production. I know the content thereof, and believe such answers to be true, complete, and accurate.

Date: October 31, 2022

Ashley Carr
President of Predators of the Heart

OSERAN HAHN P.S.
11125 SE 6th Street, Suite 100
Bellevue, WA 98004
Phone: (425)-455-3900
FACSIMILE: (425)-455-9201

ATTORNEY CERTIFICATION

In compliance with CR 26(g), the undersigned attorney for Predators of the Heart has reviewed the objections provided in these discovery responses.

DATED this 31st day of October 2022.

OSERAN HAHN P.S.

By: *s/*
Caleb M. Stewart, WSBA No. 51522

PARTY VERIFICATION

I, Ashley Carr, have provided and read the above answers to Plaintiffs' First Set of Interrogatories and Requests for Production. I know the content thereof, and believe such answers to be true, complete, and accurate.

Date: October 31, 2022

Ashley Carr
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OSERAN HAHN P.S.
11125 SE 6th Street, Suite 100
Bellevue, WA 98004
Phone: (425)-455-3900
FACSIMILE: (425)-455-9201

Dave Knutsen
4592 Welch Lane
Anacortes, WA 98221
360-540-5224

Mr. Kevin Cricchio, AICP
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Subject: Predators of the Heart (POTH) proposed MDNS – File Number PL 22-0133

I am in opposition of the proposed MDNS for the POTH project.

The owners both past and present have shown to have complete disregard for the safety of the surrounding neighborhood. Their sole concern has been of their own interests. As evidenced by repeated broken or empty promises to the neighbors when our concerns have been brought to their attention. The animals have escaped their enclosures numerous times as recorded by both the Anacortes Police Department and Skagit County Sheriffs Office.

The road accessing their property was designed for adjacent property owners with the limited traffic a single family would impose on the road during normal use. Increased traffic for a commercial property will speed up the degradation of the road, which is already showing adverse signs of increased use.

The current cyclone fencing has already been compromised with the wolves digging out underneath it. Resulting in three wolves entering the neighbor's property and killing their family dog. Them witnessing the attack, with one family member video recording it. Even if the fencing was doubled with underground concrete it still would not preclude the falling of the fences if a tree was to be blown over onto the fencing during a windstorm. Another time three wolves entered a neighbors garage, and a cougar was stalking another neighbor's dog in their own yard, the wolf that got out and was retrieved in the ACFL by Maria Padovan the APD animal control officer. There are literally dozens of other incidents over the years. The aspect that is especially concerning to me is the almost cavalier attitude of the owners, that the animals are more important than the safety of the people in the area.

We have no idea how they handle the animal waste, which could easily be 75-100 lbs per day. Or the food scraps uneaten by the animals. We do know that prior to them moving in there were no rat problems in the neighborhood. We now have a rat infestation. They destroyed one of the neighbors motorhome wiring, totaling the vehicle with all the damage they caused. We have quarterly pest control measures in place by Surety Pest Control, with many bait traps and mechanical spring traps set up around our house and in our garage.

There is no one living on the property at POTH. The neighbors are the first line of awareness if an animal escapes. The last time the three wolves got out I had to call Ashley Carr and inform her of the escape. With wild and dangerous animals we should not be the first line of defense, the owners or staff should be.

We moved out here 33 years ago for the serenity a quiet country setting to live and raise our family. We should have no negative impact on the neighborhood. POTH has created a very noticeable negative impact for our safety and for the environmental impact to our neighborhood. Having three grandchildren we have concerns for their safety in our own yard, all being very young.

Thank you for considering these points in your determination of the MDNS.

Respectfully,

Dave Knutsen

Addition to Dave Knutsen's letter.

The letters received on POTH's behalf supporting their cause will all be supporting a cause such as animal rights. And while I am a huge supporter of all animals in general, this operation is poorly managed and irresponsible in its execution. The letters in support will all be from people not living in this immediate area. They will be unaffected by the escape of an animal. They will support them solely on emotion. When I have looked at Ashley's videos she posts to social media and her Facebook page about this they are riddled with false statements. More appropriately stated lies. I met a person that used to volunteer at the POTH facility, actually both he and his wife volunteered there for over a year. I could provide a name and contact if needed. During our conversation he said if the public only knew a fraction of what goes on there they would have been shut down years ago.

I mentioned earlier about the disposition of the animal waste and uneaten food scraps. I don't know if it's been addressed but what is done with that? When I spoke to Dave Coleburn years ago about this he stated they threw it off the bank out in the woods. No wonder we have a rat infestation now. All these properties get our potable water from wells. The runoff of that material mixed with the rain it most likely filters into the native soil and down to Mitten creek which flows adjacent and downhill from there property. Mitten creek then flows through the neighbors property onto mine and into my pond, exiting my pond and eventually makes its way to the sound at Alexander Beach. I would consider this to be a major environmental concern.

Pam Knutsen
4592 Welch Lane
Anacortes, WA 98221
360-202-6021

Mr. Kevin Cricchio, AICP
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Subject: Predators of the Heart (POTH) proposed MDNS – File Number PL 22-0133

I am in opposition of the proposed MDNS for the POTH project.

We have lived at our current address for 33 years. We moved to the neighborhood to enjoy our property and peace and quiet. We have been negatively impacted by the presence of POTH. The way we have been negatively impacted is by the rat infestation, worry of the wolves and cougars escaping, which they have done numerous times. We are unable to let our grandchildren play in our yard without direct supervision for fear of an animal attack. Three of the wolves dug out under their fencing and came into the neighbor's yard and attacked and killed their family dog. We had to notify Ashley Carr of the escaped animals.

The fencing around the enclosure cannot withstand a tree falling on it, and there are trees all over the property. Removing all the trees would be terrible for the neighbors to look at barren land, living in the woods. And more so worse for the animals living in cages with no trees around.

There is nobody living on the property, which is a concern for us as neighbors as we are the first to know of an animal escaping and killing a dog or worse a child.

Thank you for considering these points in your determination of the MDNS.

Sincerely,

Pam Knutsen

Knutsen
4592 Welch Lane
Anacortes WA 98221

RECEIVED
NOV 18 2022
SKAGIT COUNTY
PDS

1:37PM

Mr. Kevin Cricchio
Senior Planner
1800 Continental Place
Mt. Vernon, WA 98273

Knutsen
4592 Welch Lane
Anacortes WA 98221

RECEIVED
NOV 18 2022
SKAGIT COUNTY
PDS

1:37PM

Mr. Kevin Cricchio
Senior Planner
1800 Continental Place
Mt. Vernon, WA 98273

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments PL22-0133
Date:	Monday, November 21, 2022 12:29:37 PM
Importance:	High

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, November 18, 2022 4:30 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Dr. Jude Apple
Address : 901 37th Street
City : Anacortes
State : WA
Zip : 98221
email : judeapple@gmail.com
PermitProposal : PL22-0133
Comments : Predators of the Heart (POTH) Proposed MDNS
I have reviewed the above referenced proposal and wish to provide comments on this determination. I make these comment from the perspective of an Anacortes resident who is a frequent user of the Anacortes Community Forest Lands for multiple recreational purposes, and someone who visits the ACFL regularly with small children and pets. We often frequent the trails adjacent to the POTH compound

My family and I have two primary concerns: the threat to public health and safety that this operation poses to users of the ACFL, and lack of confidence that I have in the landowner to be in compliance with any of the suggested mitigating provisions or restrictions in the MDNS.

There have already been multiple incidents of small pets being injured and/or killed by escaped hybrid wolves from the POTH compound. Although the City of Anacortes has put up signs in the area of the compound, this is a poor mitigation strategy for the threat that escaped animals pose to pets, adults, and children. The ACFL is a common use forestland supported, in large part, by property taxes. It is not appropriate that we are at risk using this resource that we support. The occurrence of previous attacks indicates this is not safe. Will it take a small child being mauled or killed to end this operation?

The second concern that I have is regarding the restrictions articulated in the permit. Although these are quite onerous, and meant to dissuade the landowner from pursuing a full permit, it is my experience with the landowners that these will not be followed. This brings to question the matter of enforcement and oversight. The county probably does not have the capacity or staff to provide inspections and oversight to confirm that the measures being requested are followed that will protect our families and children. I strongly encourage the country to deny this permit and move this facility to a place where it is not a threat to public health and provides a more safe and natural

environment for the animals that are captive.

Thanks for your time and consideration
Jude Apple, PhD
Carrie Apple
Gabriel Apple (21), Micah Apple (18), Isaiah Apple (10), Gianna Apple (11)

From Host Address: 165.151.210.91

Date and time received: 11/18/2022 4:29:14 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Friday, November 18, 2022 3:30:05 PM

Name : Ashley Carr
Address : 13658 Harbor Lane
City : Anacortes
State : WA
Zip : 98221
email : admin@predatorsoftheheart.com
PermitProposal : PL22-0133 PREDATORS OF THE HEART MDNS
Comments : LETTER OF RECOMMENDATION:
Hello,
My name is Leah-Marie Whitman. I am writing to you about Predators of the Heart. I am currently employed as an Animal Control Officer, and have been since March 2012. I recently visited Predators of the Heart on 11/13/22. We utilize this facility for animal seizures and confiscates. They to my knowledge are in full compliance with USDA regulations. Predators is a huge asset when it comes to housing exotic and illegal to own animals by general citizens. It's vital for them
To stay open to the public to raise funds for their animals and housing needs. They continually make upgrades and additions to their current property and enclosures.

Thank you,
Leah-Marie Whitman
Animal Control Officer

From Host Address: 107.77.205.100

Date and time received: 11/18/2022 3:28:30 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Friday, November 18, 2022 3:40:06 PM

Name : Darlette Brown
Address : PO Box 90788
City : Austin
State : Texas
Zip : 78709
email : db1950@aol.com
PermitProposal : PL22-0133
Comments : To the decision makers at Skagit County. I have been following this organization for years and am aware of how they have been through a nightmare of firing Dave Coleburn and resurrecting Predators of the Heart from the ashes. They have dotted every I and crossed every T with regards to legal matters, becoming USDA kosher, et cetera. They will do everything humanly possible to give the animals and the people who visit a safe and healthy environment.

The problem is what you have asked them to do is not humanly possible. The list of requirements is unapproachable. In fact, because you have set the bar so high above the USDA, and the rules for zoos, it appears to the public that you are punishing the new director for the sins of the old director, her father. I'm sure that is not your intent and it is not too late to change.

Please instead acknowledge the hard work that POTH has done and allow them to reopen with reasonable adjustments. Thank you.

From Host Address: 74.92.226.222

Date and time received: 11/18/2022 3:38:59 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Friday, November 18, 2022 3:45:07 PM

Name : Deanna Iverson
Address : 1920 23rd Street
City : Anacortes
State : WA
Zip : 98221
email : nannacats@frontier.com
PermitProposal : Predators of The Heart PL22-0133
Comments : Re: SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

For: Predators of the Heart
File Number: PL22-0133

To Whom It May Concern:

I am writing in response to the correspondence I received in the mail regarding the above file number. I understand that the county wants to maintain a safe environment for our community, but I find that the mitigation measures for improvement in this document are beyond reason. The requirements listed here go beyond the scope of what is even expected for a zoo to be in compliance, and a zoo has thousands of people wandering through their facility in any given week, with their animals in more open spaces than Predators of The Heart. It is no secret that the previous president of Predators of The Heart did not meet standards, even those set forth by the USDA, but since his termination and now that the company has been under new management, they have wanted nothing more than to stay “above reproach” always be “in compliance”, and to do what is right. Now, just because the county has some “disgruntled” citizens you are making it close to impossible for this company to stay in business, maintain or make improvements. If a company is in compliance with the USDA, Fish & Wildlife & Animal Control, how can a county require more? I believe if you truly listened to the board/president/legal team of Predators of The Heart and heard their heart you would see the improvements they have been achieving long before this mitigation, with more to come. There should be no question that they would be a safe establishment. Also, I do not understand how you can close a company so they are restricted from making money to run establishment (through their Airbnb contract), yet asked to them to make improvements that would cost millions of dollars to accomplish, all without said income. It seems to me that it would be a better solution if the county worked side-by-side with this company to ensure the safety of animals and people, instead of putting forth the so-called improvements, which are unachievable, just to say “the county tried”. Making unreasonable requirements puts the lives of these animals in jeopardy, and gives nowhere for animals who might be rescued in the future to be rehabilitated or to live out their best lives. How can you restrict a company, who is now thriving under new management, and who actually cares about animals to such a degree that it puts many animals lives in danger of being euthanized? I would hope that the unreasonable demands are not being made because people with money have raised a ruckus.

Thank you for listening and your consideration in saving these animals
Deanna K. Iverson

1920 23rd Street ~ Anacortes, WA 98221

From Host Address: 23.90.88.72

Date and time received: 11/18/2022 3:40:19 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Friday, November 18, 2022 4:05:05 PM

Name : Bruce Bunten
Address : 7640 SW 153RD CT APT 102
City : MIAMI
State : FLORIDA
Zip : 33193
email : buntenb@gmail.com
PermitProposal : PL22-0133
Comments : Predators of the heart sole mission is to save animals that would otherwise be killed, and we NEED these amazing animals in our ecosystem. The items in which you all are requiring is beyond what a Zoo would require.

The amount of safety protocols they have you can see daily in their activities. We understand that these animals are “scary” to some but that’s that lack of knowledge that Predator of the heart is trying to change. Please allow them to reopen so they can continue to save animals and educate the world about these AMAZING animals. Yes, the world! They do live virtual school based education, which we need.

I thank you for reading my comment and I hope that you will see that you all are causing this organization to truly suffer under your new requirements.

Predators Of The Heart you will always have my support!

From Host Address: 108.83.87.48

Date and time received: 11/18/2022 4:00:40 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Friday, November 18, 2022 3:05:07 PM

Name : Lisa Adams
Address : 12113 76th Ave NE
City : Kirkland
State : WA
Zip : 98034
email : Whatsupadamsfamily@yahoo.com
PermitProposal : PREDATORS OF THE HEART
Comments : I have reviewed the counties requirements for changes at the POTH property and find them to be excessive and onerous. The facility meets USDA requirements and the additional county requirements will not make visitors any more safe than they already are. I have visited POTH multiple times prior to the February 2022 shut down and found the property safe for both the animals and guests. The outlined requirements seem to be a way to keep POTH struggling as they have lost their income source during the permitting process. It would be a real loss to the Skagit county community for this sanctuary to fail, the requirements as currently outlined will push them in that direction. Please reconsider and grant the special use permit to afford POTH the opportunity to continue doing their good work of rescue, education. Sanctuary and conservation under the compliance of the USDA guidelines. Thank you for your consideration.

From Host Address: 172.56.105.181

Date and time received: 11/18/2022 3:03:58 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Friday, November 18, 2022 3:05:06 PM

Name : Ashley L Carr
Address : 4709 Welch Lane
City : Anacortes
State : WA
Zip : 98221
email : admin@predatorsoftheheart.com
PermitProposal : PL22-0133 PREDATORS OF THE HEART MDNS
Comments : SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
For: Predators of the Heart File Number: PL22-0133

PREDATORS OF THE HEART COMMENT ON MDNS

OVERVIEW & EXECUTIVE SUMMARY
Thank you for the opportunity to continue to house and provide sanctuary for the dozens of animals that Predators of the Heart (POTH) houses and cares for on behalf of animal control and other authorities, state, federal and local authorities. POTH has been operating for over 20 years and thanks Skagit County for its continued efforts to preserve and keep this sanctuary in place.
POTH has already implemented, or has had in place prior to this Mitigated Determination of Nonsignificance (MDNS). However, some of the additional measures, as noted below, are unreasonable and impossible to accomplish. Others are unreasonable because of their impracticability in terms of the effectiveness of the safety that they would provide both to the animals and the community.
Some of the mitigation measures, with note specifically to the requirement that POTH install a perimeter fence around the entire property, is unreasonable and impractical both for safety and financial reasons.
Instead, POTH can and will have multiple layers of fencing around the animals as identified as “dangerous” by Skagit County: the wolfdogs, cougars and other dangerous animals, both now in the future. POTH has already implemented six-sided fencing for all of its wolfdogs as well as its cougars; it has also implemented multiple levels of fencing so that there are layers of fencing (i.e. two six-foot fences with two-foot tilt-ins on day-runs) as well as so-called “hot” fencing, meaning that the fences are electrified.

I. MITIGATION MEASURES 1-10
As indicated above, many of the mitigation measures as outlined by Skagit County have already been implemented. Since its inception over 20+ years ago, POTH has sought to preserve the natural habitat of the animals and the land itself. There is no commercial use that would degrade or otherwise erode said natural habitat and the land itself. As such, the following comments are hereby submitted:
(A) As to Mitigation Measure 1: if any fill material is to be added to the land or implemented, temporary erosion/sedimentation control measures will be in place as they have been for over twenty years.
(B) As to Mitigation Measure 2: The Northwest Clean Air Agency Requirements are inapplicable to the operations of POTH. Nevertheless, POTH is willing to comply with said

requirements so long as said requirements are legal.
(C) As to Mitigation Measure 3: POTH has been and will continue to be in compliance with SCC 14.32 and SCC 16.32.
(D) As to Mitigation Measure 4: There is no "project" as POTH has been in operation since 2001. No additional construction is planned. As noted previously, POTH had applied for a permit in 2015, only to be rebuffed by Skagit County, who noted that a Special Use Permit was not required for its operations.
(E) As to Mitigation Measure 5: any future construction or buildings will comply; all building and fire requirements have been met previously by POTH and are currently in place and in compliance.
(F) As to Mitigation Measure 6: this mitigation measure has been and will continue to be in place. However, Skagit County's other mitigation measures, as noted below, are in conflict with this measure. Specifically, but not limited to Skagit County's perimeter fencing requirement around the entire property, would create severe erosion on the property and would violate Chapter 14.24 of the Skagit County Code. That being said, POTH has alternative solutions that will accomplish what Skagit County is requesting and would allow POTH to remain in compliance with SCC Chapter 14.24. Skagit County's own requirements are in conflict as they require the work to be done to erode and damage the land so that POTH would be out of compliance with SCC Chapter 14.24. In other words, in order to comply with certain mitigation measures below (i.e. drilling into the rock/side of the hillside for concrete walls and fencing below ground for the entire perimeter of the property), POTH would have to violate SCC Chapter 14.24. Again: POTH has alternative solutions that would allow for the preservation of the land in compliance with SCC Chapter 14.24 as well as provide for additional community safety measures as indicated by Skagit County.
(G) As to Mitigation Measure 7: See above, section (F). POTH has and will continue to comply with the Rural Reserve Zoning District requirements.
(H) As to Mitigation Measure 8: POTH has always and will continue to comply with Mitigation Measure 8, and has never found any human remains, archaeological, historic or other cultural materials. Should any such situation arise, POTH agrees to all of what Mitigation Measure 8 requires.
(I) As to Mitigation Measure 9: All electric systems as indicated by Skagit County in its walkthrough have already been implemented; any additional electrical work will be permitted and approved.
(J) As to Mitigation Measure 10: POTH has already implemented a public water source connection, as well as the backflow preventer as required in AMC 13.24.030 as noted in Mitigation Measure 12. POTH is currently in compliance with Skagit County Code 12.16.
II. MITIGATION MEASURE 11
POTH agrees to each of the Mitigation Measures for the Fire Marshall's Office. A KNOX box has been installed and POTH will notify local authorities regarding POTH's access codes and agrees to notify them of the same regarding any changes.

III. MITIGATION MEASURE 12
POTH is not located in the City of Anacortes, so requirements regarding the City of Anacortes should be inapplicable to POTH. POTH has already implemented a backflow preventer at property and has had one in place in compliance with this mitigation measure.
IV. MITIGATION MEASURE 13
A. Signage
POTH will comply with this request without issue.
B. Contact Information
POTH has emergency contact information readily available; it is a 24-hour manned line that

connects directly to the Manager of POTH; it will continue to be posted in conspicuous areas and will be provided to local authorities for emergency purposes. Should this change, all signage and contact information will be modified accordingly.

C. Land Survey

All boundary lines are known.

D. Six-Sided Fencing

POTH has already implemented six-sided fencing for its wolfdog population. However, during the day, when staff are present, the wolfdogs need an exercise area that is big enough to run and topping is not possible. Again: staff will be present when these day runs are used, but there are times when wolfdogs must be allowed to run when they are not leashed.

This means that POTH is proposing, in as noted below, that the wolfdogs have TWO perimeter fences for their enclosures, along with their night enclosures. However, in their daytime runs, with staff present, the daytime runs would not have a “top”, but would have three-strand electric fencing. The electric fencing would also be on the middle and bottom of these fences so as to deter potential dig-outs by the wolfdogs.

E. Animal Waste

POTH disposes of all animal waste in accordance with Skagit County Code and utilizes dumpsters for removal.

F. Bi-Annual Inspection

POTH makes no objection to a bi-annual inspection. In fact, POTH regularly has visits, both planned and unplanned, by local, state and federal officials. Pierce County animal control toured the facility as recently as November 2022.

G. Parking

All parking currently utilized by POTH is located on POTH’s property. No parking takes place outside of its property.

H. Emergency Response

POTH will contact all requisite authorities regarding escapes and will maintain a plan that not only contacts all of the named authorities in the event of an escape, but will also institute a plan that contacts all neighboring properties if an escape occurs.

Neighbors will need to provide names/contact information to POTH immediately to ensure prompt notification. POTH will implement a call and/or text notification system whereby all neighbors can be immediately contacted in the event of an escape.

I. Fencing Standards

(1) Perimeter Fencing.

Skagit County has requested that we fence in the property and it's entirety 2 times with 8’ fencing, 9 gage wire, with 2’ tilt ins at 45° angle, and a 2’ concrete wall in ground for dig out.

These requirements violate Skagit County Code as noted above. Creating these kinds of fences would require blasting into the mountain/hillside, which is rock face. This action would not only have an extremely deleterious effect on the natural growth, but it would be contrary to the Rural Reserve zoning where the Property is situated. In addition to the layers of fencing already in place, there are also natural barriers that have been created with many years of growth.

ALTERNATE PROPOSAL:

Instead of an 8-foot perimeter fence around the entire property, POTH proposes a T-post and barbless fence around the property so proper required signage can be hung. Further, POTH would additionally implement two perimeter fences around "potential dangerous animals" enclosures or main animal holding area itself.

Of note: the requirements requested by Skagit County are far in excess of USDA requirements. The Cougar cages have this setup: two perimeter fences, which bar escape. This also includes two locked gates, which is in compliance with the notes below. Pursuant to USDA requirements, all mammals must have a perimeter fence with six foot fencing with two foot tilt ins; the cougars, which are climbing animals, have eight foot fencing. These requirements for other animals (i.e. wolfdogs) are not only unnecessary, they are unreasonable because wolfdogs do not climb like cats—they dig, because they are dogs

Additionally, as part of POTH's alternative proposal, POTH would install chain-link dig outs around each potentially dangerous animal instead of a 2' concrete wall. This would prevent digging through or under the wall, and would not block any natural drainage on the subject Property. This would again allow for continued compliance with the Rural Reserve zoning as well as the other applicable Skagit County Code sections. This would consist of a 4' inlay fence being laid in a select few day runs. All other runs already have dig outs. This means that POTH would lay chain-link or cattle panel at the base of the fence edge 4' inward on ground and cover with proper mulch or ground cover. This way if the animal were to dig at fence line or 4' inward they would hit fencing. We would also do this around the main edge of the potentially dangerous animals Perimeter fencing. This is a more practical safety measure, again, because wolfdogs are considered dogs—they dig, not climb. In its one escape, the wolfdog did not jump over any fence—it dug through and under a hot fence.

(2) Eight-Foot Fencing.
As noted above, the eight-foot fencing with two-foot tilt-ins is far in excess of USDA requirements.

POTH has already built a perimeter fence for the "potentially dangerous animals" it houses, and is willing/able to implement a secondary fence as well as install additional chain-link dig-outs so as to prevent digging (which is the more common action by wolf-dogs). The cougars already are in six-sided enclosures 24/7 and cannot escape. Please refer to POTH's proposal above to effectuate the desired outcome as stated by Skagit County.

(3) Secondary Perimeter Fencing.
POTH requests that Skagit only require a secondary perimeter fence around the "potentially dangerous animals". A full-property chain link fence is not only an expense that would likely bankrupt the organization, thus requiring the euthanization of all animals housed by POTH on behalf of various animal control, state and federal agencies, but would also be unnecessary.

As stated by Skagit County, the primary concern is the "potentially dangerous animals". A secondary perimeter fence for the other animals—is unnecessary. Thus, a secondary perimeter fence for the potentially dangerous animals serves to protect the community as noted by Skagit County while also preserving the resources to care for these animals.

(4) Below Grade Fencing.
POTH is willing to employ fencing that is "comparable to" below grade fencing with mesh so as to prevent dig-outs, but due to the topography and terrain, a below-grade fence is impractical and/or impossible. POTH already employs this method effectively and has already begun this process. The chain dig-outs proposed by POTH above also effectuate this same goal; it prevents the animals from digging out while simultaneously preserving the terrain for the animals and the Rural Reserve designation.

(5) Double Gates.
As noted, all gates will be "double" in accordance with the proposal set out by POTH above. This ensures that each perimeter fence—similar to what is already employed by POTH for its cougar enclosures—is doubly protected.

(6) Commercial Building Permit.
In 2015, POTH applied for a Special Use Permit. Skagit County noted that POTH was not required to acquire a Special Use Permit to operate and promptly refunded its money.
As noted herein and prior to this application, POTH has been in operation—and well within the County's knowledge—for over twenty years. POTH has been a fixture in the community and has become a destination for those who want to support wildlife and is a stalwart sanctuary that saves animals, operating in cooperation with local and state agencies so that confiscated and discarded animals are provided sanctuary and safe-haven.
The SUP has been ongoing for nearly a year; POTH has ceased operations and has limited revenue to care for these animals. An additional permitting process, which would itself cost hundreds of thousands of dollars in additional costs and expenses, would also delay POTH's ability to care for these animals.
As a result, POTH requests that Skagit County carefully review and amend its requirements in accordance with its proposal for fencing above—which would not require an additional building permit. POTH also has categorical exemptions as noted in the SEPA WAC's but would rather operate in good faith with Skagit County officials for the betterment of the community and the animals. WAC 197-11-800 (3).

J. Animal Enclosures.
All enclosures are located within the perimeter fencing. However, as noted above, "six-sided enclosures" are utilized—but certain animals (i.e. wolfdogs) must have space to exercise and run (i.e. day runs). Please see the above proposal regarding the same.

K. Animal Runs.
(1) Inside Secondary Fence.
See above. All enclosures are within the secondary perimeter fence; POTH has provided a more practical, safer alternative to the MDNS requirements.
(2) Perimeter Fence Check.
POTH agrees that all perimeter fencing should be and will be (and is) checked on a daily basis. POTH agrees further to keep additional records regarding such checks.

L. ISA Certified Arborist.
POTH already has an ISA Certified Arborist visit the property on a regular basis, and will comply with this request without objection.
M. Motion Detected Lights.

Motion detection lights are and will be harmful to the animals that POTH provides sanctuary for. As an animal sanctuary, POTH is required to provide habitat that is as close to the habitat that the animal(s) live in as is feasible. A motion detection system would cause psychological damage to the animals. POTH currently employs a motion sensor camera system for the entire property which is also equipped with night vision. This means that all activity is tracked.

Additionally, POTH proposes that instead of motion detection lights, POTH install a hard-wired lighting system around its secondary perimeter fence so that if further investigation is necessary, lighting can be turned on. Again: motion detection is already in place, but the constant lighting would be problematic for the animals.

Motion detection lighting would also likely be triggered by the many dogs in the area as well as the additional wildlife in the area that borders the POTH property. A motion detection light would be harmful to the animals, but likewise would be problematic to the neighboring properties.

N. Electronic Surveillance.
Electronic surveillance is already in place and has been utilized, for instance, to do random "checks", ensuring that all animals are present and accounted for. The state-of-the-art system is monitored 24/7.

O. Manned.
Neither the Association of Zoos and Aquariums (AZA) nor the USDA require a 24-hour manning of facilities. This means that even the Woodland Park Zoo is not required to have 24-hour manning of its facilities.

Given that all potentially dangerous animals (i.e. wolfdogs, cougars, etc.) will be housed in six-sided, unescapable enclosures at night, a 24-hour manning is an unreasonable requirement. Further, given POTH's limited resources, and the extensive efforts being made to continually improve on security measures, an on-site employee at POTH's property is an unreasonable requirement.

Additionally, as noted above, POTH has state-of-the-art electronic surveillance. For instance: in June 2022, a false report was made that a "wolf had escaped". POTH employees were able to confirm within 2 minutes that there was no escape and that all wolfdogs were present and accounted for. Animal Control was provided with the footage from the property, verifying that no escape had ever occurred.

A person on-site 24 hours a day is unnecessary and unreasonable.

P. GPS/VHF Collars.
No other wolf or wolfdog sanctuary, including, but not limited to, Wolf Haven, Wolf Hollow, or Woodland Park Zoo employ GPS tracking.

GPS collars are not only expensive, but the technology is ineffective and impractical for these kinds of animals. Like all dogs, wolfdogs destroy these kinds of collars. When in day runs, which have extensive security measures in place, and would be the only place that these collars would be used according to the Mitigation Measures outlined by Skagit County.

As a reminder, POTH has and continues to immediately employ:

• Six-sided night enclosures with additional chain-link dig-outs;
• Two perimeter fences for all of the “potentially dangerous animals”;
• Full-coverage, 24/7 surveillance system;
• Electric fencing as part of the day run(s).
• Double gated lock out system

Q. USDA Requirements.
POTH is already in full-compliance with the USDA’s requirements. Many of the requirements as noted above, such as the requirement for six-sided enclosures at all times, and the 24/7 motion detection lighting, would be harmful to the animals—and thus would be in violation of USDA regulations.
Additionally, as an animal sanctuary, many of the requirements required by Skagit County, particularly relating to the full-property fencing, would likely erode and denigrate the habitat of the animals and, as such, would violate Washington law. POTH has presented a proposal that would exceed USDA requirements but would not violate the habitat and laws regarding the care and protection of the animals, which Skagit County’s requirements would do.
R. USDA Requirements/SCC 7.04.
POTH will operate within said regulations as it has and will continue to do.
S. Revised Site Plan.
(1) Property lines/boundaries—agreed;
(2) Two required perimeter fences—please see above, as such requirements likely violates multiple Skagit County codes as well as state and federal law regarding the housing and sanctuary requirements for the animals under POTH’s care;
(3) Gates—see above, as this will be instituted as in accordance with the proposal as set out above;
(4) Location of all animals—see above; all animals are in designated areas as previously outlined for Skagit County officials;
(5) See above regarding structures, including caretaker quarters;
(6) All parking will remain the same as previously indicated;

T. Development/Structures/Permanent Restrooms.
See above regarding development; no plans currently exist to develop the land or otherwise build. Permanent restrooms will be installed.
U. Outdoor Burning.
POTH agrees to this term and has already and always complied with all applicable burn bans.
V. Operation Limitations.
POTH agrees to operate in safe standards in accordance with applicable regulations and guidelines.

Thank you for your time,
Predators of the Heart
Ashley Carr
President

From Host Address: 107.77.205.100

Date and time received: 11/18/2022 3:00:01 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Friday, November 18, 2022 3:00:05 PM

Name : Leslie Grossruck
Address : 1511 State Hwy 532
City : Camano Island
State : WA
Zip : 98282
email : lgrossruck@yahoo.com
PermitProposal : Predators of the Heart / PL22-0133
Comments : I have had the privilege of visiting Predators of the Heart and was impressed by many aspects of their program. -- I observed a variety of unusual animals that were well cared for in a beautiful forested setting. It was obviously designed for their well-being and protection, as well as the safety of the visitors.

What a wonderful educational opportunity for schools and the public alike. It would be a shame to lose this valuable local asset, not to mention the lives of these special animals.

I understand that permitting could be based on USDA and AZA standards and I would urge you to work with POTH management to that end.

They have worked with these animals for many years and are experienced and devoted to the proper care and environment for each one. Unnecessary restrictions will not accomplish this careful purpose.

Thank you for considering my observations and concerns.

Respectfully,
Leslie Grossruck
Camano Island

From Host Address: 172.92.201.250

Date and time received: 11/18/2022 2:57:36 PM

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Friday, November 18, 2022 2:40:58 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, November 18, 2022 2:15 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Mark Lundsten
Address : PO Box 1376
City : Anacortes
State : WA
Zip : 98221
email : mlundsten@gmail.com
PermitProposal : Predators of the Heart, File Number: PL22-0133
Comments : Mr. Cricchio and staff,

I request that you enable the re-organized Predators of the Heart (POTH) to re-open under the new owner/managers.

Unfortunately, the parameters you lay out for them are so onerous that they are unrealistic, unless your intention is simply to force them to close, which I doubt. I suggest that you use the USDA and AZA standards for animal care developed for facilities like theirs instead of the ones you lay out. Both USDA and AZA are trusted, professional standards and will insure a safe, clean operation for the new POTH.

Work already done by the new management has demonstrated how they care about both the animals and the community. The former management had a number of significant problems and the new management is correcting them by working hard and by making responsible, sensible choices in a new direction. These people are in it for the long haul. They will be a benefit to the county, not a threat. I urge you to approve their plan.

Please enable POTH to re-open by utilizing USDA and AZA standards instead of the overly restrictive ones you lay out in your project document for PL22-0133. Please allow them to finish the job they so responsibly have started.

Thank you for your attention.

Sincerely, ?Mark Lundsten

From Host Address: 208.74.157.164

Date and time received: 11/18/2022 2:11:44 PM

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Friday, November 18, 2022 4:27:32 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, November 18, 2022 4:25 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Diane Clark
Address : 2372 Hunskor Hill Ln
City : Oak Harbor
State : WA
Zip : 98277
email : gierhome@gmail.com
PermitProposal : Predators of the Heart
Comments : I feel that the improvements the county is requiring POTH to make are extremely out of line. I have personally seen the improvements continuing to be made at this location. I have watched holes being dug into solid granite hillsides.The only reason they have had to halt further improvements is because of them not being able to give the PRIVATE visits anymore. To ask this sanctuary to be built to higher expectations /standards than any zoo is required to do is beyond fair. This sanctuary exists for our future generations to understand the importance of the wildlife on our planet. They are a non-profit organization that is important for not only the local community, but has played a very important roll in rescuing animals in negligent situations. Without the ability for them to remain open... who knows how many animals will have to be euthanized. Please reconsider these extreme requests you are asking of Predators of the Heart. thank you

From Host Address: 174.204.70.225

Date and time received: 11/18/2022 4:22:54 PM

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Friday, November 18, 2022 1:02:11 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, November 18, 2022 12:00 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Charles Joseph Davis
Address : 3916 W 6TH ST
City : ANACORTES
State : WA
Zip : 98221
email : foresttrailrunner@outlook.com
PermitProposal : Special Use Permit (PL 22-0133) (Predators of the Heart)
Comments : 1. Item 13 A of the Skagit County mitigated determination of non-significance (MDNS) isn't clear whether onsite signage requiring 24/7 contact information of Predators of the Heart (POTH) staff must be posted periodically on the perimeter fence. It should, in case Anacortes Community Forest Lands (ACFL) users notice escaped animals first.
2. Item 13 I (2) of the MDNS isn't clear as to which direction the two-foot tip out on top of the perimeter fence goes--inward toward POTH or outward toward the ACFL. It should go inward.
3. I fail to see how an 8-foot-high fence and a 2-foot-tip out equate to a height of 10 feet (as the MDNS requires) if the tip out is at a 45-degree angle as specified. It will necessarily be less than 10 feet total. Require that the tip out be 3 feet minimum.
4. Item 13 J isn't clear as to how close "too close to the fence" is. At least six feet should be mandated clear of trees and bushes.

From Host Address: 67.168.68.39

Date and time received: 11/18/2022 11:58:06 AM

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Friday, November 18, 2022 8:21:55 AM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, November 18, 2022 12:10 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Jana Allen
Address : 14504 NE 85th Circle
City : Vancouver
State : Washington
Zip : 98682
email : janakittydaze@yahoo.com
PermitProposal : Predators of the Heart
Comments : Predators of the Heart and staff are amazing in so many ways and holds a Vital, Essential Purpose. I am asking that you reconsider the Extreme requirements & permits being requested when they already meet Government standards & requirements. It doesn't make since to me to require more than Zoo, as well as the destruction of Heritage Trees and the unneeded stress you are asking be put on the animals. My request is that you reconsider and find positive ways to move forward with this Vital Conversation & Education Sanctuary. My grandkids & I learn so much from Ashley and her team at Predators of the Heart and so do countless others worldwide. I hope you can find ways to work together to make Predators of the Heart, your community and our state stronger, as they touch children and people all over the world. It's very intrusive and would be extremely difficult to see any of the animals collared and feel it would effect/affect the animals well being.
Thank You for your time
I hope you decide to reconsider and move towards fair requirements that will finally issue the permits they need to restart tours, so they can pay bills.

From Host Address: 97.120.63.89

Date and time received: 11/18/2022 12:05:17 AM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Wednesday, November 16, 2022 7:10:05 PM

Name : Dan C Macken
Address : 224 STEWART RD STE 115
City : Mount Vernon
State : WA
Zip : 98273
email : DB932007@hotmail.com
PermitProposal : For: Predators of the Heart File Number: PL22-0133
Comments : Dear Kevin Cricchio, Senior Planner or Associate planners,

I am writing to comment about the proposed wildlife refuge that is seeking to upgrade their facilities to allow for educational, and guided tours.

I have attempted to support this organization through my own business located in Mount Vernon, Docking Bay 93. As a curator of collectibles and a business owner I try to be sensitive to the needs of preservationist of all kinds.

This organization is not simply about rescue, and housing animals. It is far more than a vanity zoo. Its new leadership attests to that with their dedication and hard work. The educational tours they might provide may well give them a revenue stream that will not just better serve their own operations and delight youths and inform the curious. But it will also provide us with a much-needed service.

Some of these animals find their way into the hands of people who are in over their head, foolish, or greedy. In PotH's keeping with proper funding, these animals are out of an environment where they might cause issue to agriculture or become nuisance animals, or worse invasive. Which in the long run would cost us much more money in repair or upkeep costs.

Here they have a place to safely be and be preserved. And their preservation is essential. We as people fill a gap that is naturally filled by predators in the wild, and a necessary one at that. However, there may come a time where we as people are unable to manage our wilderness and large populations of animals. While it may be unlikely that hunters will not be able to hunt because of overreach of our government. I would like to think that these animals should be considered something that we would rather Have and Not Need, instead of Need and Not Have. They are a part of our ecosystem that has been reduced, but they may be necessary for all our continued health.

I would encourage you to listen to these professionals as they handle these animals and give them the leeway they need and have already adequately demonstrated so that they may continue operations without extreme cost overruns some of these requests may cause. They are already approved by the USDA for a functional facility. I would also encourage you to use the AZA (professional zookeeping) standards as a better metric for guidelines.

Kind Regards,

Dan Macken

From Host Address: 98.232.28.138

Date and time received: 11/16/2022 7:09:12 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Wednesday, November 16, 2022 6:25:06 PM

Name : Patrick Dodds
Address : 1913 North 33rd Place
City : Mount Vernon
State : WA
Zip : 98273
email : patrick.d.dodds@gmail.com
PermitProposal : Predators of the Heart / PL22-0133
Comments : Dear Skagit County,

Thank you for considering options for Predators of the Heart to safely resume educational programs. This organization is a valuable asset to Skagit Valley and I support their important work. As caretakers for exotic animals, their facility should be on par with other professional zookeeping organizations. Please utilize USDA and AZA industry standards as the measuring stick for POTH making renovations to receive their Special Use Permit.

The request for not 1 but 2 ultra-high security perimeter fences with underground concrete, in addition to enclosure fencing, will impact drainage and is excessive. Not all of POTH's animals are a danger to humans and fencing should strategically reflect this. Please consider alternative proposals.

Enclosures having a fully fenced top and bottom would require some cages to be far too small for those animals that need exercise. Small cages create anxiety and depression in animals and not every "dangerous" animal has the same physical abilities.

Motion detector lights will disturb animals day/night cycles and create anxiety. So will nighttime security staffing 365 days a week.

Removing growth near all fencing and the property line will damage the property value. There are many heritage trees on the property which are essential to the ecosystem and character of the site, as well as being natural habitat for the animals.

It's important to me that POTH provides a safe & secure environment for animals, visitors & staff, and people in the community. I hope you will come alongside POTH and their peers in the animal caretaking community to make this happen. Thank you for considering this letter.

From Host Address: 174.61.206.192

Date and time received: 11/16/2022 6:21:27 PM

From:	website
To:	Planning & Development Services
Subject:	PDS Comments
Date:	Wednesday, November 16, 2022 4:25:08 PM

Name : Dani Vavra
Address : Box 516
City : Biggar
State : SK
Zip : S0K0M0
email : danivavra2001@yahoo.com
PermitProposal : PL22-0133
Comments : I feel this is an important permit to pass, as it will provide a better site while protecting native landscape and natural resources in a sustainable program. I fully support this permit being passed, for both its ecological and educational benefits. As an educator, I feel it is important to provide opportunities to educate the public about wildlife, how to co-exist, and how to learn about predators and discern facts from fiction. This site will be a positive initiative that shows people how to support, enjoy, and protect our habitat.

From Host Address: 129.222.136.154

Date and time received: 11/16/2022 4:21:02 PM

11/15/22

RECEIVED
NOV 16 2022
SKAGIT COUNTY
PDS

Skagit County Planning and Development Services
Mitigation Determination of Nonsignificance (MDNS)

For: Predators of the Heart
File Number: PL22-0133

Attn:
Mr. Kevin Cricchio, AICP
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Edward P Borlin Jr.
4577 Welch Lane
Anacortes, WA 98221

Home location
Our property borders to Southside of the POTH property

Opening Statement
I will begin my letter with an open statement that approving POTH (Predators of the Heart) of a special use permit, is not something I agree with at all. Either it be a business or a different operation classification, it still has adverse community impact buy noise, odor, large equipment/truck on private road/ easements, traffic increase to a small access road (i.e. Welch Lane, property easements to and from POTH property). Below are items that are concerns that need additional thoughts and clarity:

Request/ Additions

- What is the official classification of the POTH operation according to the county and its application? Sanctuary, commercial business, business, non-profit organization or something else. Clarifying this information in the application would help the community understand potential impact better.

- Clearer guidance for POTH on what rural reserve operation of this business means and a plan by the county to keep them accountable to comply.

- Clarification on project completion window which should be driven by the county and published for the local community to know impact windows.

- Since it has been determined that there is insufficient barriers to ensure that the wild animals from POTH stay within their property boundaries, POTH with guidance from Skagit County Planning and Development Services should co-develop a community protection plan that spans from today and until the completion of special use permit requirements have been 100% completed.

- Page 6 section R states the POTH has been granted that no maximum number of animal limits will exist. I am somewhat confused on how this has been determined. Is it based on square footage of the property which can handle an endless amount of animals? What if zebras, elephants, larger animals...become a part of the business plan for POTH? Limits seem to be appropriate.

- Develop an animal food storage facilities plan! There is questions around storage facilities where animal food is properly keep. Rats, crows, ravens, buzzards and eagles frequently fly or come from the POTH facility. All of the local neighbors continually deal with rats. Bait boxes are being used but they still keep returning on our property. Odors from POTH continue to be experienced from our property. Summer is usually the worst.

Section 11: Development must comply with **Skagit County's Fire Marshall's Office,** including but not limited to:

A. Access must meet Skagit County Standards for commercial use driveway width and turnarounds for emergency apparatus.

- My comments around meeting Skagit County Standards for a commercial use driveway needs some clarity. POTH currently uses private welch lane then proceeds through 2 more easement to get to the property. All of these need to be included in meeting Skagit County Standards. These roads were never developed for commercial use. Welch lane has had a lot of variances granted. Because of the traffic increase potential, including commercial traffic that will now use welch lane, a variance to avoid meeting county standards should not be allowed. Below are the findings that I included in the CEPA comment earlier for POTH. I included for reference.

Welch Lane Easements

AF # 199406200058 under the *"Literal Interpretation Section"*

"The literal interpretation of the zoning ordinance would deprive the applicant of the ability to complete a previously started short Plat."

"There have been total of four (this variance makes five) variances considered for the use of this road. Some of the variances overlapped, making for a great deal of confusion in the regard to what is required."

"If the variance is approved, it appears that although, all of the properties accessed by welch lane may not all be developed, once the short plat associated with this parcel is approved, there can no further subdivisions utilizing welch lane. The reason for this is the current interim controls, as well as other regulations."

What I remember is that anything after this approval, the road would need to be brought up to county standards because it could not support any more traffic under it's current condition. For whatever reason the short plat that was approved for the POTH property and is in violation of this variance AF # 199406200058 requirements. The real concern is if more traffic is on the current road, it cannot handle the proposed development. This is why county requirements are needing to be implemented upgrading the road to county standards, if for some reason this gets approved.

Closing comments:
I appreciate Skagit County's Planning and Development willingness to hear our neighborhood comments and concerns. My above request to include more clarity and driving document development is imperative for proper execution of the project.

Thank you,
Edward P Borlin Jr
Edward P Borlin Jr
11/15/22

11-15-22

SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

RECEIVED
NOV 16 2022
SKAGIT COUNTY
PDS

For: Predators of the Heart
File Number PL22-0133

Attn:
Mr. Kevin Cricchio, AICP
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Lynne Borlin
4577 Welch Lane
Anacortes, WA 98221

Public Comment/Concerns

In the First paragraph after "LEAD AGENCY: Skagit County Planning and Development Services" It states - does not have a probable significant adverse impact on the environment...This decision was made after review of a completed environmental checklist

*All that is focused on is the environment NOT the neighbors and their lives. There is so much more to focus on with this business then environment impact.

13 F) The applicant/landowner must have at a minimum bi-annual joint inspection by both Skagit County and City of Anacortes Animal Control offices. The onus is on the applicant to arrange this joint meeting with county and city staff. All recommendations made by city and county staff during this visit must be followed.

*We have found, in the past, all companies ordered to do inspections, etc. are too busy to get this done. And POTH gets overlooked. There was not supposed to be any wolves mating and producing more wolf pups, and now, acknowledged by Ashley, not one wolf on the property was a rescue. They have all been birthed on the property. And continue to mate...

13 H) The business must be responsible for any costs associated with recovering their animals by county/city staff/departments and any damage or harm that they could potentially cause.

* Again, we as humans are not being considered here EXCEPT to be compensated for any costs associated with POTHs animals' harm they caused. Unfortunately, there is not a sum of money that could cover a loss of a child/grandchild, my husband, myself or any other adult that might be attacked by one, or many animals owned by POTH. We know all too well the result of the wolves getting out of their encloser and coming onto our property. My daughters' sweet little dog had no chance against

those 3 wolves and the horrible, for lack of a better word, PTSD that we have all experienced. Constantly looking toward the direction the wolves came running from-checking again and again to be sure they aren't coming. Playing over and over in my head what I would do if they did come running.

I understand that this is a study on the environmental impact but shouldn't it have a more reaching study on the impact on the community and immediate neighborhood??

I sent a letter in with the first inquiry on developing this property. It is now so very clear; you are not considering our lives in this at all but instead only the environment.

I, once again would ask that this not be passed.

We acquired this property in 1992 and POTH came much later. We love our property and life we have built here and don't feel we should have to move away to feel safe again.

Thank you for your time,

Lynne Borlin

Lynne Borlin
11-15-22

PETITION IN OPPOSITION

Nov 14, 2022

RECEIVED
NOV 16 2022
SKAGIT COUNTY
PDS

Mr. Kevin Cricchio, AICP
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Predators of the Heart (POTH) Proposed MDNS – File Number PL 22-0133

We are in receipt of the above-referenced proposed MDNS and wish to provide comments on this determination. We make these comments from the perspective of being a frequent user of the Anacortes Community Forest Lands. We will be directly affected by this determination.

First, We believe the MDNS should not be issued for the following three key reasons:

1. Lack of Information
   We believe the Examiner in making this determination does not have sufficient information to adequately evaluate POTH's application as POTH has not truthfully disclosed the full extent of their operations, the number of animal escapes, and the effect their operation is having and has had on the local neighborhood and the Anacortes Community Forest Lands.
2. Illegality
   The County in their proposed MDNS does not address the legal issue associated with POTH being able to possess exotic animals – the law is clear on this: Under Section 7.04 of the Skagit County Code it is unlawful to own, possess, keep, harbor, bring into the County, have custody or control potentially dangerous wild animals which includes many of the animal types possessed by POTH.
3. Zoning & Permitted Uses
   The County seems to ignore the fact that POTH's Fidalgo Island property is zoned Rural Reserve and that POTH does not meet the requirements for a special use. In particular, POTH does not meet the requirements as an animal sanctuary as per Washington State Law (RCW 16.30.010), the animals are engaged in commercial activity that is not inherent in their natural conduct, and there is direct contact between the public and animal.

Second, if the County does move forward and issue the MDNS we request that it be amended to incorporate the following conditions in addition to those that are already listed:

1. Access
    a. Secure the appropriate easements for commercial access to POTH's property from adjacent landowners.
    b. Improve all access roads to commercial standards per County regulations.
    c. Enter into a road maintenance agreement with all roadway constituents.
    d. Agree that no signs be placed on adjacent properties to direct visitors to their operation.
    e. Take reasonable steps to prevent lost visitors within the adjacent neighborhood.

2. Facilities
    a. Require setbacks (35' from all sides) for all fences, buildings, pens and enclosures and that they be landscaped such that they and their associated security lighting are not visible from adjacent properties.
    b. Make it clear that in addition to obtaining permits for all new facilities, ALL existing facilities must be brought up to current commercial building standards including fire codes.
    c. Extend the emergency contact provision to all property owners within 0.25 miles of the POTH facility.

3. Operations
    a. Limit the hours of operation to weekdays & non-holidays from 9:00am to 5:00pm.
    b. Require that certified staff are on-site at all times.
    c. Require that POTH operations be limited to that of a sanctuary as defined by Washington State law, including
        i. No breeding
        ii. No sale of animals
        iii. No contact between visitors and exotic animals
        iv. No sale of photographic opportunities between visitors and exotic animals
        v. Prohibit any contact between visitors and any/all exotic animals
    d. Impose noise restrictions that are above and beyond those required for a dog kennel.

4. Performance
    a. Require that POTH become an accredited member of an independent oversight organization (such as the American Zoo Association) and that they maintain this membership in order to keep their Special Use Permit.
    b. Require POTH to obtain insurance ($50m aggregate, $10m each occurrence) with the County and that all adjacent land owners are named as additional insured.
    c. Require that POTH annually submit a financial plan that guarantees that the animals will be cared for in perpetuity and not become a burden to the public.

Thank you in advance for your consideration of these comments – we collectively want what is best for the community and the neighborhoods in which we live. Neighbors have sold their houses and moved away because of the negative impact of POTH. This neighborhood nuisance should not be allowed so we can have the quiet enjoyment of the Anacortes Community Forest Lands without the fear of escaped exotic animals and the impact of a commercial enterprise adjacent to the community forest lands.

NAME	ADDRESS	PHONE
ERIC ADAM	1902 COPPER POND PL ANACORTES WA 98221	7205603688
Robert Billow	13630 Orca Ln Anacortes, WA 98221	360 708 3069
Anthony Spada	720 Electric ave Walla Walla Wa 99362	509 520 5096
SPENCER STEFFEN	1314 27th STREET ANACORTES, WA 98221	805-895-3030
Jessa Hotta	1202 AAVE ANACORTE, WA	360-770-[illegible]
Ed McVanee	5520 Sugarloaf St Anacortes, Wa 98221	360-201-2628
Max Adam	1902 Copper Pond Pl. Anacortes, Wa. 98221	(720)576-4927
Paul Newmiller	2676 Forest Lane Coupeville, WA 98239	360-678-2424
JEN Kriel	P.O. Box 616 Oak Harbor 98277	360 914 0201
Tobias Billow	13630 Orca Ln 98221	360-855-8446
JUDE APPLE	9013 7TH ST ANACORTES WA	360 630 1839
CARRIE APPLE	9013 7TH ST ANACORTES WA	360 630 1830
Ed Clauson	PO Box 1565 Anacortes, Wa	360-770-8815

Jenny L Welch
PO Box 1420
Anacortes, WA 98221

RECEIVED
NOV 16 2022
SKAGIT COUNTY
PDS

Nov 14, 2022

Mr. Kevin Cricchio, AICP
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

RE: Predators of the Heart (POTH) Proposed MDNS – File Number PL 22-0133

I am in receipt of the above-referenced proposed MDNS and wish to provide comments on this determination. I make these comments from the perspective of an adjacent landowner who has dealt with POTH for over 20 year and is directly affected by this determination.

First, I believe the MDNS should not be issued for the following three key reasons:

1. Lack of Information
   I believe the Examiner in making this determination does not have sufficient information to adequately evaluate POTH's application as POTH has not truthfully disclosed the full extent of their operations, the number of animal escapes, and the effect their operation is having and has had on the local neighborhood and the Anacortes Community Forest Lands.
2. Illegality
   The County in their proposed MDNS does not address the legal issue associated with POTH being able to possess exotic animals – the law is clear on this: Under Section 7.04 of the Skagit County Code it is unlawful to own, possess, keep, harbor, bring into the County, have custody or control potentially dangerous wild animals which includes many of the animal types possessed by POTH.
3. Zoning & Permitted Uses
   The County seems to ignore the fact that POTH's Fidalgo Island property is zoned Rural Reserve and that POTH does not meet the requirements for a special use. In particular, POTH does not meet the requirements as an animal sanctuary as per Washington State Law (RCW 16.30.010), the animals are engaged in commercial activity that is not inherent in their natural conduct, and there is direct contact between the public and animal.

jlw

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    a. Secure the appropriate easements for commercial access to POTH's property from adjacent landowners.
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    a. Require that POTH become an accredited member of an independent oversight organization (such as the American Zoo Association) and that they maintain this membership in order to keep their Special Use Permit.
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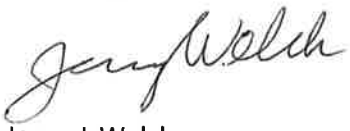
Thank you in advance for your consideration of these comments – I sincerely want what is best for my community and the neighborhood in which we live. Neighbors have sold their houses and moved away because of the negative impact of POTH. This neighborhood nuisance should not be allowed so we can have the quiet enjoyment of our properties without the fear of escaped exotic animals and the impact of a next-door commercial enterprise.

Sincerely,



Jenny L Welch
360-708-8536

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Kevin P Welch
PO Box 1420
Anacortes, WA 98221

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Sincerely,



Kevin P Welch
360-708-8516

Heather Jennings
14357 Van Luven Lane
Anacortes, WA 98221

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NOV 16 2022
SKAGIT COUNTY
PDS

Nov 15, 2022

Mr. Kevin Cricchio, AICP
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

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Sincerely,

Heather Jennings

Heather Jennings
~~360-982-0406~~
360-770-8894

HJ

RECEIVED
NOV 16 2022
SKAGIT COUNTY
PDS

Jessi Williams
PO Box 1303
Anacortes, WA 98221

Nov 14, 2022

Mr. Kevin Cricchio, AICP
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

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Jessi Williams
~~360-420-8954~~
360-941-9344

Sedric Benson
4704 Cypress Drive
Anacortes, WA 98221

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Sincerely,



Sedric Benson
360-982-0406

SB

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Wednesday, November 16, 2022 10:18:01 AM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Tuesday, November 15, 2022 4:00 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Levi Simpson
Address : 8759 Ershig Rd
City : Bow
State : WA
Zip : 98232
email : levs55@yahoo.com
PermitProposal : Predators of the Heart / PL22-0133
Comments : To Skagit County,

I'd like to voice my support of Predators of the Heart to reopen the facility for public tours. They have put in a huge effort to bring the place up to par for USDA, which they are now on good terms with. From the renovations you're asking from them, the site would be fortified better than Fort Knox, which is above & beyond both what USDA and the AZA requires for exotic animals.

I think that POTH is a valuable organization from an educational standpoint and also for Animal Control and others who need a place for exotic animals to be cared for. At POTH the animals are treated like royalty and can be ambassadors for their species. The new manager Ashley has done a phenomenal job turning POTH around from where it was 2+ years ago under someone who didn't give a crap about animal wellbeing or playing by the rules. POTH is now totally on the right track and already meets USDA standards. They are happy to do more so that Skagit County is happy, but from my standpoint as a Skagit citizen and supporter of zoos and animal rescue & rehab, they should be held to standards that are achievable and reasonable.

This includes things like excessive fencing, nighttime security lights, taking out trees, staffing on site at all times, and roofed & floored cages for every animal. Even places like Woodland Park Zoo have alternatives so that their grizzly bears and wolves feel like they are in a more open, natural environment, which is good for the animals and so that visitors can appreciate them without being behind bars.

Thanks for considering my letter. I love living in Skagit County and having a place like POTH in my backyard.

-Levi

From Host Address: 74.92.226.222

Date and time received: 11/15/2022 3:57:11 PM

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Tuesday, November 15, 2022 1:01:45 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Tuesday, November 15, 2022 12:15 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : April Grossruck
Address : 8759 Ershig Rd
City : Bow
State : WA
Zip : 98232
email : wildmyuu@gmail.com
PermitProposal : Predators of the Heart / PL22-0133
Comments : Dear Skagit County,

Firstly thank you for providing Predators of the Heart opportunity to make modifications to continue programming. Thank you also for your thorough consideration of safety measures.

I support an approach to renovation that is on par with USDA requirements and industry standards for world class zookeeping. This framework has been created by, tested, and proven by experts working together across multiple fields. The goal is to strike a balance of security for all humans (whether community members, visitors or staff), and safe & sound habitats which provide quality of life for the animals. Respectfully, I believe some of the parameters set by Skagit County are superfluous and can be accomplished by working together with POTH to streamline the needs at hand.

To that end, as a Skagit citizen I'd like to request a re-evaluation of your requirements. By helping POTH create an environment that is not excessively engineered, Skagit can proudly show the world that we have met the high standards of our peers in wildlife sanctuary & animal husbandry, and re-introduce POTH as a valuable, unique asset to our community.

Points which are excessive or have broad reaching ramifications:

-Full double perimeter fencing around the perimeter of the property, with tilt-ins and dig-downs: Only some of the animals POTH cares for are capable of injuring humans; fencing should be strategically placed in a manner appropriate to reflect this. (Cougars & bobcats already have a double perimeter fence, and no animals other than wolfdogs have access to day runs.)

-Animals which are a threat to humans in 6-sided enclosures at all times: in wolfdog day run areas, which are 1 acre or more with trees, slopes, and rock terrain, topping & full bottoms are physically

impossible. Full tops are unnecessary for wolfdogs as they can't climb, and thus alternate options including tilt-ins, buried chain link, and electric fencing are more relevant. In night pens, similar measures should be considered.

-Motion lighting: this will disturb animals' natural day-night cycle and create anxiety.

-24/365 staffing: POTH has rigorous & redundant safety checks on all fencing & gate points already during daytime operations, and employs an army of security cameras which are regularly checked remotely. Night patrols will agitate & create anxiety (see motion lighting); and monitoring from an office on-site will accomplish the same as current remote checks.

-Permits for all buildings on site: While I agree that POTH should have safe structures, the process should be triaged, with a bar set initially that will allow POTH to resume quickly and create income so that buildings can be addressed in order of priority to public interface. Likewise for permanent bathrooms: no reason why current regularly-serviced portapotty units don't suffice temporarily, as these are standard for public events and some workplace environments.

-Arborist evaluations 3x yearly. Trees have a specific & predictable growth season. A check annually & additionally on an as-need basis seems appropriate to plan for & deal with problem trees, limbs, and new growth.

-Vegetation close to fencing. This would necessitate removal of old growth, which is extremely important to the site's property value and environmental heritage. Animals which are not climbers should be able to roam among these trees, and problem trees which are likely to fall & damage fencing can be addressed with the requested arborist reviews.

Again, I appreciate the thorough safety concepts on the table and I know that POTH supporters share the desire for a high standard. As you know, this organization is becoming popular worldwide with a following of millions and has a transparent public face. Please come alongside POTH with adjusted requirements, using USDA/AZA as the metric, which will allow Skagit County to emerge as global partner in wildlife education.

Sincerely,

April Grossruck

From Host Address: 74.92.226.222

Date and time received: 11/15/2022 12:14:40 PM

From:	Jason D`Avignon
To:	Kevin Cricchio
Subject:	FW: Please Deny Predators of the Heart #PL22-0133 Special Use Application
Date:	Tuesday, July 18, 2023 11:43:49 AM
Attachments:	~WRD0002.jpg

From: Hearings <hearings@co.skagit.wa.us>
Sent: Tuesday, July 18, 2023 11:42 AM
To: Jason D`Avignon <jasond@co.skagit.wa.us>
Subject: FW: Please Deny Predators of the Heart #PL22-0133 Special Use Application

FYI

From: Julia Zelman <info@email.actionnetwork.org>
Sent: Monday, July 17, 2023 2:14 PM
To: Hearings <hearings@co.skagit.wa.us>
Subject: Please Deny Predators of the Heart #PL22-0133 Special Use Application

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Office of Land Use Hearings Hearing Examiner,

The special-use permit application #PL22-0133 submitted by Predators of the Heart (POTH) and the consolidated appeal for permits #PL-0583 and #PL22-0577 in conjunction with the application should be denied. Predators of the Heart is not a true, accredited wildlife sanctuary, and its operations risk harm to both the wild animals on their property and their human neighbors and their pets.

The animals kept by Predators of the Heart should be transferred to an accredited sanctuary or rehabilitation center, where they will not be used as attractions or breeding stock.

Julia Zelman
joulezelman@gmail.com
1531 NW 61st St
Seattle, Washington 98107

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Tuesday, July 11, 2023 12:08:31 PM

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Tuesday, July 11, 2023 12:05 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : STEPHANIE C BELL
Address : 21507 42nd Ave S
City : SEATAC
State : WA
Zip : 98198
email : jasperjosh@comcast.net
PermitProposal : #PL22-0133
Comments : I am writing to urge you to DENY the special-use permit application #PL22-0133 submitted by Predators of the Heart (POTH) and the consolidated appeal for permits #PL-0583 and #PL22-0577.

POTH is neither an accredited nor reputable sanctuary and engages in harmful “wildlife tourism” practices for profit vs. providing animals refuge and sanctuary in the literal meaning of these terms. In other words, they are a scam and deluding the public. Too many so-called sanctuaries disguise themselves as such, when they are really profiteers, substandard petting zoos, hoarders, breeders, and exploiters.

All remaining wild animals at POTH should be removed and rehomed to a true sanctuary or rescue deemed capable of safely and responsibly caring and housing wild animals.

With the utmost respect, I ask that POTH's permit applications be denied. Lives depend upon this.

Thank you!

From Host Address: 73.109.174.235

Date and time received: 7/11/2023 12:00:15 PM

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Tuesday, July 11, 2023 10:14:34 AM

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Monday, July 10, 2023 11:50 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Rachel Bjork
Address : 9043 Palatine Ave N
City : Seattle
State : WA
Zip : 98103
email : rachelfromtheroad@yahoo.com
PermitProposal : #PL22-0133
Comments : Predators of the Heart (POTH) , a.k.a. Because We Matter, is not an accredited sanctuary.
They are little more than a petting zoo that does not have a history of responsibly caring for the animals in their care. Reputable sanctuaries will NEVER allow the public to touch, hold, or enter the enclosure of wild animals kept under their care. This cannot be said of Predators of the Heart.
The WDFW refuses to send any animals there for rehabilitation, nor is POTH a licensed wildlife rehabilitator. In fact, the WDFW would prefer they shut down altogether.
Accreditation by the USDA means next to nothing.
None of the "wolves" at Predators of the Heart are rescues. It is very irresponsible for them to continue promoting wolf-hybrids are animals that can interact with humans.
Please do not grant them this permit. I know they will try to say the animals have no where else to go, but POTH is not a good home for them and allowing them to continue operating means more animals will be subject to less than adequate care.

From Host Address: 75.172.75.146

Date and time received: 7/10/2023 11:47:36 PM

From:	Planning & Development Services
To:	Kevin Cricchio
Subject:	FW: PDS Comments
Date:	Tuesday, June 6, 2023 12:42:30 PM

From PDS email re: PL22-0133

Thank you!

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Monday, June 5, 2023 10:30 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Edmund Lee
Address : 3221 Chandler Parkway
City : Bellingham
State : WA
Zip : 98226
email : ensignlee@gmail.com
PermitProposal : Give Predators of the Heart a special-use permit
Comments : This place is wonderful, and without the permit, so many of the animals will have to be euthanized.

It brings tourism dollars to the area, and this place is a gem that people talk about and come to see from states away.

From Host Address: 136.226.57.82

Date and time received: 6/5/2023 10:29:06 AM

EXHIBIT #6

AGENCY/DEPARTMENT COMMENTS RECEIVED

Laurie Gere
Mayor
CITY OF ANACORTES
904 6th Street Anacortes, WA 98221
p: 360-299-1950
laurieg@cityofanacortes.org | www.anacorteswa.gov

October 26, 2021

Commissioner Ron Wesen
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

Commissioner Lisa Janicki
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

Commissioner Peter Browning
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

Re: Predators of the Heart
Skagit County Parcel No., P128398, 4709 Welch Lane, Anacortes, WA

Dear Commissioners Janicki, Browning, and Wesen,

On behalf of the City of Anacortes, I write to request that the County take immediate action to address the serious safety issues posed by the continued operations of Predators of the Heart, a wildlife facility operating directly adjacent to Anacortes Community Forest Lands (ACFL). Last week, the Anacortes community suffered yet another catastrophe caused by Predators of the Heart with the death of a beloved pet, the need to close down the entirety of the City's 2,950-acre community forestlands, and fear and concern throughout the community for the safety of our residents. This facility is an intolerable risk in our community from which the County has the jurisdiction and responsibility to step in and protect our City.

1. **Last Week's Attack**

On October 19, 2021, the City learned through police scanners that three wolves had escaped the Predators of the Heart facility. Apparently, they chased a domesticated dog to a neighboring property and killed and ate the dog, while the owner looked on. The City should have been notified immediately by Predators of the Heart when they became aware of the escape. However, they did not notify the City.

Predators of the Heart circulated a public statement on October 22, indicating that the escape resulted from three wolves digging under their day run fence to chase an off-leash dog onto a neighboring property. If the wolf dogs are so susceptible to provocation and so poorly contained that they can dig under their fence anytime, this is an unacceptably unsafe scenario.

Because this safety issue arose from a facility in the County, the City's only recourse was to immediately close the ACFL and widely distribute warnings to the community of the potential danger. The act of closing the forestlands is an unprecedented step. City staff had to scramble to get the message out on the ground, at all trail heads, and on social media in an attempt to immediately protect the public from possible harm. The City had to discharge three staff members into the closed community forestlands to put themselves at risk to warn hikers already in the woods and make sure everyone got out safely.

During the wolf escape, Principal Kevin Schwartz from Mount Erie Elementary approached City staff because his school is near the community forest lands and he was being questioned by concerned parents. Staff discussed a plan to alert the School District in the event of another wolf escape.

2. Location of Predators of the Heart

The Predators of the Heart facility is located on a property owned by Dave Coleburn, which is located in unincorporated Skagit County and shares approximately 821 feet of common border with the City's forest lands. Trail 118 runs along this border, which is frequently used by residents, who often walk pets and bring their children to enjoy the forest. ACFL trails are visited by school and senior groups. The ACFL is one of the City's greatest assets. It is heavily used and is a key community amenity, which draws people to our City on a daily basis. The perimeter of the Predators facility is not fenced. In addition to the ACFL, the facility has residential neighbors, some of whom have children and pets.

3. History of Attacks and Escapes

Predators of the Heart's animals have a history of escaping and attacking and killing dogs. The City has shared its concerns about this facility with the County on multiple occasions and cannot emphasize enough that the location of dangerous wild animals adjacent to the largest public amenity within the City of Anacortes is unacceptable.

In October of 2018, one of Predator's wolves jumped its seven-foot electrified fence enclosure and escaped the property onto a neighbor's land. This neighbor had children and pets, and responded by shooting at the wolf in their yard.

In 2017, a man walking a Labrador Retriever on one of the ACFL trails followed what appeared to be the trail unintentionally onto Mr. Coleburn's property (on a side trail that Mr. Coleburn apparently cut to connect his property to the City trail system). The man encountered Mr. Coleburn walking several wolves on leashes. At least one of the leashed wolves broke off its leash, attacked the hiker's dog, and killed it right in front of the hiker's eyes.

In February 2012, Parks staff encountered a wolf on the ACFL trails south of Heart Lake. The wolf was eventually captured by the City Animal Control Officer (ACO), but after significant City effort. The wolf, once captured, damaged the inside of the ACO's vehicle, requiring considerable work to repair the damage.

There have been numerous other reports of Predators of the Heart animals escaping over the years. Neighbors have reported finding Predator of the Heart's animals near their homes and even in one neighbor's garage.

The City does not want to have yet another incident where a wolf gets out and attacks. This time it was a dog, which was tragic enough, but City leadership fears next time it may be a person. We cannot sit idly by and allow this grave risk to go unaddressed.

4. Predators of the Heart is Embroiled in Turmoil that Threatens Public Safety

Predators of the Heart appears to be in the middle of legal turmoil that threatens the safety of the facility. The City has reviewed pleadings in the matter of *Predators of the Heart v. W. David Coleburn*, Skagit County Case Number 20-2-00461-29. This 2020 Complaint was filed by the Predators of the Heart corporation headed by Ashley Carr, Dave Coleburn's daughter, against Dave Coleburn, the long-time leader of the organization.

The Complaint includes declarations from both Ashley and employee Bethany Keck, who describe in detail specific instances when Mr. Coleburn barricaded the entrance to the facility from employees and the Predators of the Heart Board and left cages of dangerous animals unlocked and unsecure. The City should have been notified immediately by Predators of the Heart when they became aware of this dangerous situation. But the City was never notified about the serious security risk in the facility, despite Predators of the Heart leadership clearly being aware of the situation. This is a picture of a facility that is out of control and does not feel enough of a sense of a responsibility to the adjacent community to even notify the City when dangerous animals are unsecured or on the loose.

5. Predators of the Heart Employs a Dangerous Business Model

The City maintains that the Predators of the Heart Airbnb experience, which allows people to interact directly with potentially dangerous wild animals is violative of state law and County Code. Predators of the Heart's Airbnb business page advertises photos of members of the public petting wolves. The experience describes that "wolf dogs will lead you around their new open run... Our new photo area will allow us to pause for photos and rest with the wolves... You will be able to touch, photograph and even howl with wolf dogs in this once-in-a-lifetime setting!" The page goes on to display reviews from nearly four thousand people who have gone to the facility and describe close physical contact with wolves and other animals.

6. Legal Analysis

RCW Section 16.30.010 defines "potentially dangerous wild animal" to include family canidae, wolves, excluding wolf-hybrids. However, the Skagit County Code defines "potentially dangerous wild animal" to include those animals defined as such in the RCW ***plus*** "[a]ll animals of the family Canidae (as dogs, wolves, jackals, or foxes) ***and their hybrids***" except for domestic dogs. 7.04.010(1) SCC(emphasis added). Therefore, the County Code was clearly intended to expand the definition of potentially dangerous wild animal to include wolf-hybrids.

Section 16.30.030 RCW prohibits people from owning, possessing, keeping, harboring, bringing into the state, or having custody or control of a potentially dangerous wild animal, and from breeding potentially dangerous wild animals. RCW 16.30.020 provides exceptions to these prohibitions against keeping wild animals. The only one of these exceptions that could arguably apply to Predators of the Heart is for wildlife sanctuaries defined in RCW 16.30.010(5).

To qualify for this exception, an enterprise must be a nonprofit organization that cares for potentially dangerous wild animals and (1) no activity that is not inherent to the animals' nature, natural conduct, or the animal in its natural habitat is conducted; (2) no commercial activity involving an animal occurs including, but not limited to, the sale or trade in animals, animal parts, animal byproducts, or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose; (3) no unescorted public visitations or direct contact between the public and an animal; or (4) no breeding of animals occurs in the facility.

Predators of the Heart's operation disqualifies it from each prong of the definition of wildlife sanctuary. First, they make the animals interact directly with people, which is not inherent to the animal's nature. This is obviously a significant commercial activity involving the animals, including photographic opportunities and using the animals for

entertainment purposes. Subpoint c prohibits direct contact between the public and an animal, which is obviously the main selling point of Predators of the Heart's enterprise. If any of the four prongs of RCW 16.30.010(5) applies, a facility cannot be considered a sanctuary. In the present case, all four prongs apply. Therefore, Predators of the Heart cannot qualify as a sanctuary. If it cannot qualify as a sanctuary, it cannot be exempt from Washington State's clear prohibition against potentially dangerous wild animal ownership.

7. Requested Action

The City therefore respectfully requests the County take the following action:

1. Pursue any and all enforcement actions to address Predators of the Heart's violations of State law and County Code; and
2. Require Predators of the Heart to cease all operations and remove all animals from the County until they can demonstrate that the organization has installed safety precautions to completely enclose the property and protect the public in accordance with 2016 Zoological Association of America Animal Care and Enclosure Standards and Related Policies; and
3. Require Predators of the Heart to install a perimeter fence completely surrounding the Coleburn property made of at least 9-gauge chain link, at a height of 8 vertical feet with a three foot tip in and three foot ground skirt buried at an angle with hot wire around the top. These safety standards are necessary to protect the public from the wild animals currently housed at Predators of the Heart.

Predators of the Heart has been a well-known safety risk to the residents of Anacortes for many years. The City has repeatedly flagged this issue and has had to take extreme measures when escapes happen to notify and protect its residents. The facility's location in the County place the burden of enforcement and making this facility safe on your shoulders. The City asks that you take decisive and immediate action to protect our community from future escapes and attacks.

Sincerely,

Laurie Gere
Mayor
City of Anacortes
laurieg@cityofanacortes.org
(360) 299-1950

Darcy Swetnam
City Attorney
CITY OF ANACORTES
904 6th Street Anacortes, WA 98221
p: 360-299-1950
darcys@cityofanacortes.org | www.anacorteswa.gov

February 4, 2022

Tawnee Clearbrook
Planning Coordinator
Skagit County
1800 Continental Place
Mount Vernon, Washington 98273

Re: Predators of the Heart Pre-Application Comments

Dear Ms. Clearbrook,

Thank you for the opportunity to comment on the Predators of the Heart's pre-application meeting to discuss a special use permit for its proposed Animal Preserve. The City submits this letter with attachments as its comments, but will provide additional comments and information as the project application moves through the process. The City's comments fit within a few categories, which I've laid out below.

1. Security and Public Safety.

The City currently opposes the project based on serious public safety concerns related to the subject property's proximity to the Anacortes Community Forest Lands ("ACFL"). The ACFL draws visitors from all over the area and is frequented by individuals, people walking pets, school groups, and other groups. The ACFL area is also adjacent to an elementary school and multiple occupied residences.

In the past decade, there have been at least four instances where animals from the Predators of the Heart facility have either escaped or attacked community members' pets. These incidents have caused the death of two dogs, led to considerable property damage to City assets, have caused public concern and fear, and have threatened the safety of our community. The City cannot support a project proposal that has any chance of allowing future escapes.

The materials submitted to not address safety and security. In fact, during the pre-application meeting on February 3, 2022, the project proponent defended current fencing as being USDA compliant. Since the most recent wolf escape happened in October of 2021 and apparently resulted from wolves digging under their enclosure, it is troubling that the applicant defended current security infrastructure. The City's position is that the security measures and equipment currently in place, whether USDA compliant or not, are inadequate to guarantee there will be no future tragedies in our community.

2. Incompleteness of Materials.

The City is not able to fully evaluate the impacts of the project yet because so little has been submitted by the applicant for review. The City reserves the right to provide additional comment once the applicant provides a complete application.

3. Water Connection.

Predators of the Heart is connected to the City's retail water system, despite being located outside City limits. City records indicate that this connection is sized for a residential connection, which is likely inadequate for the facility they are currently operating and seeking a permit for.

The connection apparently does not include a backflow prevention device, which is a public health problem with animal watering on the property. Therefore, the City will require the verification and/or installation of back flow prevention before supporting any use of the property as an Animal Preserve.

The City will review the full application once submitted to determine whether a larger water connection is required and if additional General Facilities Charges are necessary if the permit is granted.

In addition to the comments above, I am enclosing the letter sent by Mayor Laurie Gere on behalf of the City Council to the Skagit County Commissioners in October of 2021. Mayor Gere's letter lays out the City's concerns about the property, provides the history of escapes and attacks in Anacortes, and summarizes the City's position to the County. The City is happy to provide whatever additional information is helpful to ensure all aspects of this proposal are thoroughly and properly evaluated.

Please don't hesitate to reach out with any additional questions or to discuss further.

Sincerely,

Darcy Swetnam
City Attorney
darcys@cityofanacortes.org
(360) 299-1955

Fred Buckenmeyer
Director
Public Works Department
CITY OF ANACORTES
904 6th Street Anacortes, WA 98221
p: 360-299-1954
fredb@cityofanacortes.org | www.anacorteswa.gov

April 14, 2022

Ashley Carr
Predators of the Heart
6128 Parkside Drive
Anacortes, WA 98221

Re: City of Anacortes Determination of Requirement for Backflow Prevention Devices

Dear Ms. Carr,

In accordance with Section 13.24.030 Anacortes Municipal Code, I write to inform you that the property located at 4709 Welch Lane in Anacortes (Skagit County Parcel P128398) requires the installation and use of backflow prevention devices, which are necessary for the protection of the City water supply from contamination. The City has no record of any backflow protection at your property. The City is aware that you shelter and care for wild animals on your property, which potentially carry waterborne pathogens that could pose a hazard to public health if allowed to contaminate the public water supply because of backflow. Your premise therefore poses a high health cross-connection hazard pursuant to WAC 246-290-490.

As the property owner, you are responsible for all costs and fees related to surveying the system, installation, repair, replacement, and annual testing of backflow prevention devices. Please be aware that all devices must be models approved by Washington State Department Health. The Anacortes Municipal Code requires that the installation, repair, and tests of backflow prevention devices must be completed within 90-days of this notice. Installation of backflow prevention must be completed in the presence of the water system superintendent, City Engineer, or a certified backflow prevention device tester appointed by the City Engineer.

Therefore, because of the high health cross-connection hazard at your property, please discontinue all use of City water for animal watering and cleaning until you have installed and the City has inspected and approved the required backflow prevention devices. Please contact Brian McDaniel, the City Water System Manager, to coordinate the necessary survey and resulting work. Mr. McDaniel can be reached at (360) 299-1510.

I look forward to your prompt resolution of this matter.

Sincerely,

Fred Buckenmeyer
Director, Public Works

Cc: Brian McDaniel, Water System Manager
Darcy Swetnam, City Attorney
Don Measamer, Director of Planning Community and Economic Development
Tawnee Clearbrook, Skagit County Planning Coordinator

Fred Buckenmeyer
Director
Public Works Department
CITY OF ANACORTES
904 6th Street Anacortes, WA 98221
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April 14, 2022

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Predators of the Heart
6128 Parkside Drive
Anacortes, WA 98221

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I look forward to your prompt resolution of this matter.

Sincerely,

Fred Buckenmeyer
Director, Public Works

Cc: Brian McDaniel, Water System Manager
Darcy Swetnam, City Attorney
Don Measamer, Director of Planning Community and Economic Development
Tawnee Clearbrook, Skagit County Planning Coordinator

Darcy Swetnam
City Attorney
CITY OF ANACORTES
904 6th Street Anacortes, WA 98221
p: 360-299-1950
darcys@cityofanacortes.org | www.anacorteswa.gov

May 6, 2022

Tawnee Clearbrook
Planning Coordinator
Skagit County
1800 Continental Place
Mount Vernon, Washington 98273

Re: Predators of the Heart Comments

Dear Ms. Clearbrook,

I write to provide comments on behalf of the City of Anacortes regarding Predators of the Heart's application for a special use permit for its proposed Animal Preserve. In addition to its comments in February, the City submits this letter with attachments as its comments, but will provide additional comments and information as the project application moves through the process. The City bases these comments in part on information provided by the applicant and the site visit on April 28, 2022, which was attended by City staff representing planning, parks, legal, fire, police, and public works departments. The City's comments are laid out below.

1. SEPA checklist and determination: The City encourages the County to fully consider the likely environmental impacts of the proposed action. There are multiple ways that this proposal will impact the environment, from public water supply as described below, wildlife on the proposed and surrounding property, the public's use of the surrounding forest lands, etc.
   The city provides the following specific comments on the SEPA checklist for the proposal, dated 3/18/22 and signed by the applicant on 3/22/22:
   - Section A, Background
     - #7, related to future plans or activities related to the proposal. The applicant responds "N/A". The applicant should disclose any future plans for additions, expansion or further activity related to or connected to this proposal.
     - #12. The applicant should provide the project location.
   - Section B. Environmental Elements
     - #3a, related to surface water bodies on or in the immediate vicinity of the site. The applicant responded "None"; however, according to AFN200903270122, there is a stream and protected critical area located on and near the property. Responses to #3.a.1-5, related to surface water impacts, should be provided.
     - #8, related to current uses of the site and adjacent properties. The City notes that the response lacks mention of the presence of the Anacortes Community Forest Lands (ACFL) immediately to the north of the subject property. The ACFL encompasses a mosaic of forest, wetlands, lakes and meadows and

serves as a recreational resource for the community. The city has designated the ACFL as a habitat of local importance, and it is regulated as a Fish and Wildlife Habitat Conservation Area (FWHCA) under the City's critical areas regulations.

- #12, related to displacement of recreational uses. The City notes that recreational trails within the ACFL are located within close proximity to the subject site. The public's use of these trails has been halted in the past due to animal escapes from the facility. The SEPA checklist does not provide any measures to reduce or control impacts on recreation in the ACFL.
- #15.a & b, related to increased need for public services. The applicant responded "N/A", however past occurrences of animal escapes have resulted in direct impacts to public services, including police protection, city staff time to close and patrol trails, etc. The SEPA checklist does not propose any measures to reduce or control direct impacts on public services.

Based on the SEPA checklist and additional materials provided, the City recommends that the County make a determination of significance in its SEPA review.

2. Perimeter Fencing: The City requests that the applicant be required to install perimeter fencing around the entire property, not just the small portion of the property currently fenced. This fence should be at least 8 feet high, dug in at least 2 feet at the bottom of the property. The City recommends that the fencing also include a tip out at the top at a 45 degree angle made of heavy gauge and spaced no more than 4 inches apart. The fence itself should be made of 9 gauge chain link with metal support poles set in concrete spaces no more than 6 feet apart. Ms. Carr explained that there is a fence around the small area on the property where the animals are kept, and explained that the most recent escape of wolves resulted from neighboring dogs digging under the POTH fence. Therefore, the fencing strategy currently proposed by the applicant is clearly insufficient to guarantee that all POTH animals will be prevented from escape and that outside animals who are attracted to the facility will be kept out. The only way to guarantee that this protection is in place is to require perimeter fencing around the entire POTH property.
3. Day Use Fencing: The City also notes that the fencing on the wolves' day use area is not uniform and doesn't appear to be secure. It was very concerning to City staff to observe that the day area fencing around the wolves appeared to be flimsy, not very secure, and inconsistent based on property topography. Fencing around the wolves' day use areas should be changed to match the perimeter fencing. While Ms. Carr explained that the current fencing is hot and the wolves won't go near it, historical instances of escapes requires additional security. Additionally, there should be perimeter checks of the wolves' daytime enclosures daily to look for vulnerability, including fallen trees, damage or tunnels by animals, broken fence or wiring, etc. These daily inspections should be reported in a daily log and along with any work plans to complete needed repairs. Emergency repairs should be fixed immediately. These daily logs must be made available to city or county officials upon request.
4. Signage: The City also asks that on the perimeter fencing, the applicant must install signs indicating that the property is private and that there are wild animals located on the property. The sign that Ms. Carr showed the group during the site visit could be acceptable. However, signs are only effective when they are visible to neighboring property users. Specifically, the City is concerned about the interface between the Anacortes Community Forest Lands (ACFL) and the applicant's property. Currently, there is a sign along the property boundary between the POTH property and the ACFL, but it is located approximately 30 feet back from the property line. This is ineffective for

warning the public. The City asks that the signs be placed every 50 feet along the property boundary.

5. Hazard Trees: The applicant should be required to secure arborist evaluations for the trees along the fence lines (internally and external to the property) on an annual basis. Evaluations and the action necessary to mitigate the hazard should be paid for by POTH. The arborist evaluating trees on city land would be required to have a certification from the International Society of Aboriculture (ISA). All records related to arborist reports, mitigation requirements, and repair work must be available to the county and city upon request.
6. Electrical Safety: The City also asks that all electrical systems currently installed or to be installed be inspected and approved by the Washington State Department of Labor and Industries. Further, the City asks that these systems be inspected annually, with all records to be available to the county and the city upon request.
7. Emergency Response: The applicant should be required to improve its procedures for responding to escapes or emergencies that could impact neighboring properties. Specifically, the City has not been notified by the applicant in the past of escapes. The City and neighboring property owners should be notified of any emergency escapes and the applicant's response. There should be a standard call out list, that includes the City's Animal Control Officer.
8. Operations limitations: The City's concerns about the application are related to public safety and security. The applicant has a past practice of walking wolves around the property on leashes, which has led to a vicious attack and death of a local resident's dog. Ms. Carr indicated during the site visit that the applicant no longer engages in these types of experiences. The City asks that removing the wolves from enclosures be explicitly prohibited and similar unsafe practices be explicitly excluded.
9. Outdoor burning: The applicant should be required to follow safe outdoor burning protocol, especially seasonal burn bans. There appears to be a large burn pit located centrally within the animal habitat area, which is in a heavily wooded area with visible dead trees around. An uncontrolled burn could be catastrophic to the surrounding properties and the animals located at the property.
10. Water connection: Applicant should be required to obtain and pay for all costs associated with ensuring its connection to the City water system is properly sized for its intended use. Additionally, because the applicant is changing its use from the residential connection to the City water system originally provided to a commercial use, the applicant must install all required backflow prevention devices determined to be required by the City.

Please don't hesitate to reach out with any additional questions or to discuss further.

Sincerely,

Darcy Swetnam
City Attorney
darcys@cityofanacortes.org
(360) 299-1955

From:	Gregory Francioch
To:	Kevin Cricchio; Tawnee Clearbrook
Cc:	Darcy Swetnam; Libby Grage; Jonn Lunsford
Subject:	City of Anacortes Comments on Special Use Permit Application PL22-0133 - Predators of the Heart
Date:	Friday, May 6, 2022 12:13:30 PM
Attachments:	220506 POTH - LT County on Permit Application.pdf 220204 POTH - LT County on Permit Application.pdf 211026 Letter to Skagit Co Commissioners on POH.pdf

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Kevin and Tawnee,

Please find attached letter from the City of Anacortes providing comments regarding Predators of the Heart's application for a special use permit (PL22-0133) for its proposed Animal Preserve. We have also attached our previous comment letter of February 4, 2022 for reference with Mayor Gere's October 26, 2021 letter to the Commissioners as an accompanying attachment.

The City appreciates the opportunity to provide comment and looks forward to commenting further as more materials and information become available.

Thank you,

Greg Francioch
City of Anacortes
Legal Assistant
360-293-1937
gregoryf@cityofanacortes.org

From:	Allison Sanders
To:	Kevin Cricchio
Subject:	FW: Determination of Backflow Requirements
Date:	Friday, April 15, 2022 7:34:19 AM

This is for you.

Allison Sanders
Associate Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273
(360) 416-1331
asanders@co.skagit.wa.us

From: Tawnee Clearbrook <tawneeb@co.skagit.wa.us>
Sent: Friday, April 15, 2022 7:25 AM
To: Allison Sanders <asanders@co.skagit.wa.us>
Subject: FW: Determination of Backflow Requirements

FYI

From: Brian McDaniel <brianm@cityofanacortes.org>
Sent: Thursday, April 14, 2022 5:22 PM
To: Darcy Swetnam <darcys@cityofanacortes.org>; admin@predatorsoftheheart.com
Cc: Fred Buckenmeyer <fredb@cityofanacortes.org>; Don Measamer <don@cityofanacortes.org>; Tawnee Clearbrook <tawneeb@co.skagit.wa.us>; Gregory Francioch <gregoryf@cityofanacortes.org>; Matt Miller <mattm@cityofanacortes.org>
Subject: RE: Determination of Backflow Requirements

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Good Afternoon Ms. Carr,

Following up on our phone conversation regarding your water use and a cross-connection survey. I understand there may have been a cross-connection review of your water use conducted in February this year.

We will review our records and follow up with you next week. As I mentioned on the phone, there may need to be a follow up hazard assessment completed to ensure the regulations pertaining to water use have been satisfied as outlined in the letter we mailed to you.

I will follow up with you mid next week to determine the next step.

Thank you,

Brian McDaniel

BRIAN MCDANIEL
Water System Manager
Public Works Division
City of Anacortes
904 6th Street & Q Avenue | Anacortes, WA 98221
p: 360-299-1510 | c: 360-770-6738
brianm@cityofanacortes.org | www.anacorteswa.gov

From: Darcy Swetnam <darcys@cityofanacortes.org>
Sent: Thursday, April 14, 2022 12:02 PM
To: admin@predatorsoftheheart.com
Cc: Fred Buckenmeyer <fredb@cityofanacortes.org>; Brian McDaniel <brianm@cityofanacortes.org>; Don Measamer <don@cityofanacortes.org>; Tawnee Clearbrook <tawneeb@co.skagit.wa.us>; Gregory Francioch <gregoryf@cityofanacortes.org>; Matt Miller <mattm@cityofanacortes.org>
Subject: Determination of Backflow Requirements

Ms. Carr,

Please see the attached determination of requirement for backflow prevention devices regarding the Predators of the Heart Property. A hard copy of the letter is following via regular mail. The letter provides contact information and instructions on complying.

Thank you,

Darcy Swetnam

Darcy Swetnam
City Attorney
City of Anacortes
P.O. Box 547
Anacortes, WA 98221
www.cityofanacortes.org
(360) 299-1950

CONFIDENTIALITY NOTE: This e-mail contains information belonging to the City of Anacortes, which may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual entity named above. If you think that you have received this message in

error, please e-mail the sender. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

Office of the Fire Marshal

Planning & Development Services ▪ 1800 Continental Place ▪ Mount Vernon WA 98273
office 360-416-1842 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/firemarshal

Date: June 9, 2022

Project: Predators of the heart

Address: 4709 Welch Lane

Staff Comments:

- Access must meet the Skagit County Standards for commercial use for driveway width and turnarounds for emergency apparatus.
- Property and buildings must meet the 2018' IFC Standards for commercial use.
  Required to schedule a fire inspection in part of the special use permit and inspection must be completed prior to any scheduled events.
- Gated entrance to have emergency access (KNOX) installed and emergency procedure plan to be provided to responders.
- Property is located within the wildland-urban interface (WUI) and further fire code will apply during permitting review of the buildings.
- Identify the availability of fire flow and distance to the nearest hydrants.

Please contact me for any clarification or assistance needed with your application.

Sincerely,

Bonnie LaCount, CFI
Deputy Fire Marshal
Skagit County Planning & Development Services
direct 360-416-1842
bonniel@co.skagit.wa.us

From:	Randy Johnson
To:	Kevin Cricchio
Subject:	Predators of the Heart Field Inspection
Date:	Monday, May 2, 2022 11:52:14 AM

Kevin, Thank you for the invite to be able to see the setup of the predators of the heart. (Items to note for special Use permit)
Address: 4709 Welch Lane, Anacortes

1. All structures – (Buildings under a 120 S.F with heat or plumbing, All Buildings structures over 120 S.F, Cages, Fences over 7' tall, containers) **requires a building permit and engineering**
2. **Permanent restrooms** will be required on site for employees and guest.
3. Section 307 of the ADA Act From US department of Justice Civil Rights Division - Allows exemption to religious organization. (ADA not required) Just need to provide there Non-Profit status as a religious organization.

Randy Johnson – Senior Plans Examiner

Skagit County Planning & Development Service
1800 Continental Place Wa 98273
360-416-1321
randyj@co.skagit.wa.us

From:	Corrina L. Marote
To:	Kevin Cricchio
Subject:	RE: Predators of the Heart Special Use Permit application, PL22-0133
Date:	Monday, May 2, 2022 8:56:48 AM
Attachments:	image007.png image008.jpg image009.jpg image010.png image011.jpg image012.jpg

---

Thanks for the information!

They will also have to meet the requirements of Skagit County Solid Waste Code SCC 12.16. A solid & hazardous waste permit is not required for approval. This statement is for their information as investigations are primarily complaint based.

Corrina Marote, MS, REHS (*she/her*)
Environmental Health Specialist III
Skagit County Public Health
1800 Continental Place
Mount Vernon, WA 98273
Telephone: 360—416--1563
Cell: 360—399--0136
FAX: 360—416--1501

Work Schedule: M-W, F 0700 – 1630, Th 0800-1200

http://www.skagitcounty.net/

From: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Sent: Monday, May 2, 2022 8:48 AM
To: Corrina L. Marote <corrinam@co.skagit.wa.us>
Subject: RE: Predators of the Heart Special Use Permit application, PL22-0133

Morning Corrina. Yes, they are hooked up to COA water. We had a site visit last week with county and city staff.

They are being required to hook up a back flow prevention device.

Kevin Cricchio, AICP, ISA
Senior Planner

Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, Washington 98273
Phone: (360) 416-1423
Email: kcricchio@co.skagit.wa.us



My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: Corrina L. Marote <corrinam@co.skagit.wa.us>
Sent: Monday, May 2, 2022 8:44 AM
To: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Subject: RE: Predators of the Heart Special Use Permit application, PL22-0133

Hi Kevin,
Here are the comments I put in P+ under approval code 931:

The application does not indicate the source of potable water. Operations with employees require connection to an approved public water source. The site is located within the City of Anacortes service area. Please provide a letter of support by the City of Anacortes indicating the utility's commitment to provide potable water.

Corrina Marote, MS, REHS (*she/her*)
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FAX: 360—416--1501

Work Schedule: M-W, F 0700 – 1630, Th 0800-1200

http://www.skagitcounty.net/

From: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Sent: Wednesday, April 20, 2022 11:22 AM
To: Joe Amaro <jamaro@co.skagit.wa.us>; Leah Forbes <leahf@co.skagit.wa.us>; Andy Wargo <awargo@co.skagit.wa.us>; Shawn D. Christensen <shawnc@co.skagit.wa.us>; Bonnie LaCount <bonniel@co.skagit.wa.us>; Erin Langley <erinl@co.skagit.wa.us>; Betsy D. Stevenson <betsyds@co.skagit.wa.us>; Corrina L. Marote <corrinam@co.skagit.wa.us>; Greg Geleynse <gregg@co.skagit.wa.us>; 'agatam@nwcleanairwa.gov' <agatam@nwcleanairwa.gov>; Reaves,

Marcus A (DFW) <Marcus.Reaves@dfw.wa.gov>; 'Robert.Warinner@dfw.wa.gov' <Robert.Warinner@dfw.wa.gov>; 'roland.storme@wsdot.wa.gov' <roland.storme@wsdot.wa.gov>; 'sepa@dahp.wa.gov' <sepa@dahp.wa.gov>; 'sepaunit@ecy.wa.gov' <sepaunit@ecy.wa.gov>; sepacenter@dnr.wa.gov; Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>; 'chris.luerkens@ecy.wa.gov' <chris.luerkens@ecy.wa.gov>; Britt Pfaff-Dunton <brittp@co.skagit.wa.us>; Randy Johnson <randyj@co.skagit.wa.us>; Cole, Wendy D (DFW) <Wendy.Cole@dfw.wa.gov>; 'Ross.Zimmerman@dnr.wa.gov' <Ross.Zimmerman@dnr.wa.gov>; tomwooten@samishtribe.nsn.us; KJoseph@sauk-suiattle.com; 'thpo@sauk-suiattle.com' <thpo@sauk-suiattle.com>; 'sschuyler@UPPERSKAGIT.com' <sschuyler@UPPERSKAGIT.com>; 'swalsh@skagitcoop.org' <swalsh@skagitcoop.org>; klyste@stillaguamish.com; 'jferry@samishtribe.nsn.us' <jferry@samishtribe.nsn.us>; 'Nora Kammer' <nkammer@skagitcoop.org>; Brandon Black <brandonb@co.skagit.wa.us>; Jack Moore <jrmoore@co.skagit.wa.us>; Kiffin Saben <kiffins@co.skagit.wa.us>
Subject: Predators of the Heart Special Use Permit application, PL22-0133

4/20/22

RE: Predators of the Heart, Special Use Permit application, PL22-0133

Good morning all. Please note that the applicant has formally submitted an application for a Special Use Permit to permit the existing use on the subject property.

Please see the attached PDF with an agency/ department and public comment period. A separate email was sent to the city soliciting comment.

An agency/department /public comment period is now open. Please provide any comment /requirements to me by **5:00 PM on May 6th.** Let me know if you have any questions. Thanks you.

Kevin Cricchio, AICP, ISA
Senior Planner

Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, Washington 98273
Phone: (360) 416-1423
Email: kcricchio@co.skagit.wa.us



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From:	Kevin Cricchio
To:	Corrina L. Marote
Subject:	RE: Predators of the Heart Special Use Permit application, PL22-0133
Date:	Monday, May 2, 2022 8:47:00 AM
Attachments:	COA PWD Letter.pdf image001.png image002.jpg image003.jpg image004.png image005.jpg image006.jpg

Morning Corrina. Yes, they are hooked up to COA water. We had a site visit last week with county and city staff.

They are being required to hook up a back flow prevention device.

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Senior Planner

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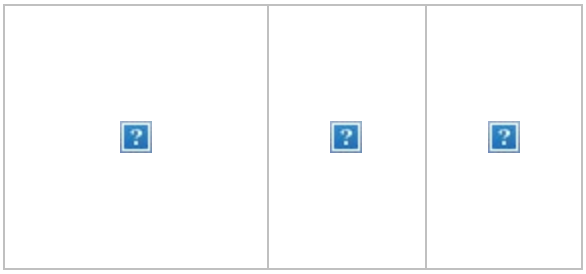
Email: kcricchio@co.skagit.wa.us



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4/20/22

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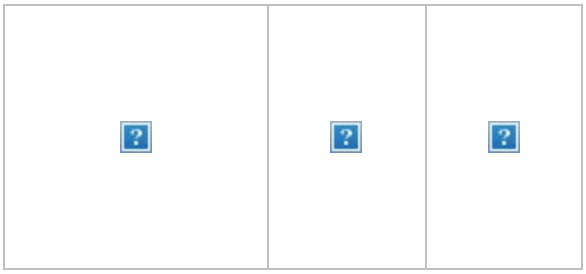
An agency/department /public comment period is now open. Please provide any comment /requirements to me by **5:00 PM on May 6th.** Let me know if you have any questions. Thanks you.

Kevin Cricchio, AICP, ISA
Senior Planner

Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, Washington 98273
Phone: (360) 416-1423
Email: kcricchio@co.skagit.wa.us



My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From:	Joe Amaro
To:	Kevin Cricchio
Subject:	RE: POTH
Date:	Friday, December 16, 2022 9:58:10 AM
Attachments:	image001.png image002.jpg image003.jpg

Kevin,

I have no comments regarding this review.

Thanks

From: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Sent: Friday, December 16, 2022 9:47 AM
To: Joe Amaro <jamaro@co.skagit.wa.us>
Subject: POTH

Joe,

Several months ago I setup a meeting on the Predators of the Heart subject property concerning their special use permit application. I don't believe I ever received comments/requirements from you. Do you have any comment? Thanks.

Kevin Cricchio, AICP, ISA | SENIOR PLANNER
Skagit County Planning & Development Services Department

Phone: (360) 416-1423



Email communications with county employees are public records and may be subject to disclosure, pursuant to Chapter 42.56 RCW

From:	Leah Forbes
To:	Kevin Cricchio
Subject:	RE: Predators of the Heart Special Use Permit application, PL22-0133
Date:	Tuesday, April 26, 2022 8:47:13 AM

Future development, clearing of vegetation, and/or disturbance of soil shall remain outside of the PCAE as shown on AF#200903240122.

Leah Forbes, AICP
Senior Planner
Skagit County Planning & Development Services
Direct Line 360.416.1337
Main Number 360.416.1320
Pronouns: she/her

From: Ashley Carr/ Admin <admin@predatorsoftheheart.com>
Sent: Friday, April 22, 2022 6:59 PM
To: Leah Forbes <leahf@co.skagit.wa.us>
Cc: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Subject: Re: Predators of the Heart Special Use Permit application, PL22-0133

CAUTION: This email originated from an external email address. Do not click links or open attachments unless you recognize the sender, you are expecting this email and attachments, and you know the content is safe.

Yes nothing has changed. Still original caging that was done on that. We do not plan on any buildings or clearing at all in that area. We appreciate the natural buffer between us and the neighbors. If we redo fencing it will be in same place as listed.

Ashley Carr
Director/ Exhibitor
Predators of the Heart
360-770-7479
www.predatorsoftheheart.com

> On Apr 22, 2022, at 1:05 PM, Leah Forbes <leahf@co.skagit.wa.us> wrote:
>
> Hi Ashley,

The PCA easement extends onto Lot B in the northeast corner of the parcel. Please see the screenshot below with the area highlighted.

Leah Forbes, AICP
Senior Planner
Skagit County Planning & Development Services
Direct Line 360.416.1337
Main Number 360.416.1320
Pronouns: she/her

<image001.png>

From: Ashley Carr/ Admin <admin@predatorsoftheheart.com>
Sent: Friday, April 22, 2022 12:34 PM
To: Kevin Cricchio <kcricchio@co.skagit.wa.us>
Cc: Leah Forbes <leahf@co.skagit.wa.us>
Subject: Re: Predators of the Heart Special Use Permit application, PL22-0133

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That is not on our property. That is on Johnson's property.

Ashley Carr
Director/ Exhibitor
Predators of the Heart
360-770-7479
www.predatorsoftheheart.com

> On Apr 22, 2022, at 11:31 AM, Kevin Cricchio <kcricchio@co.skagit.wa.us> wrote:
>
> 4/22/22
>
> Ashley, good morning. Please provide me with a more detailed site plan indicating the location of existing and proposed development and clearing to ensure there has been and will be no impact to the Protected Critical Area Easement (PCAE) shown on the plat AF#200903270122. Please directly email this to both Leah and I. Thanks.

Kevin Cricchio, AICP, ISA
Senior Planner

Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, Washington 98273
Phone: (360) 416-1423
Email: kcricchio@co.skagit.wa.us

<image001.png>
<image002.jpg>
<image003.jpg>

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

<AF#200903270122.pdf>

From:	Leah Forbes
To:	Ashley Carr/ Admin; Kevin Cricchio
Subject:	RE: Predators of the Heart Special Use Permit application, PL22-0133
Date:	Friday, April 22, 2022 1:05:00 PM
Attachments:	AF#200903270122.pdf image001.png

Hi Ashley,

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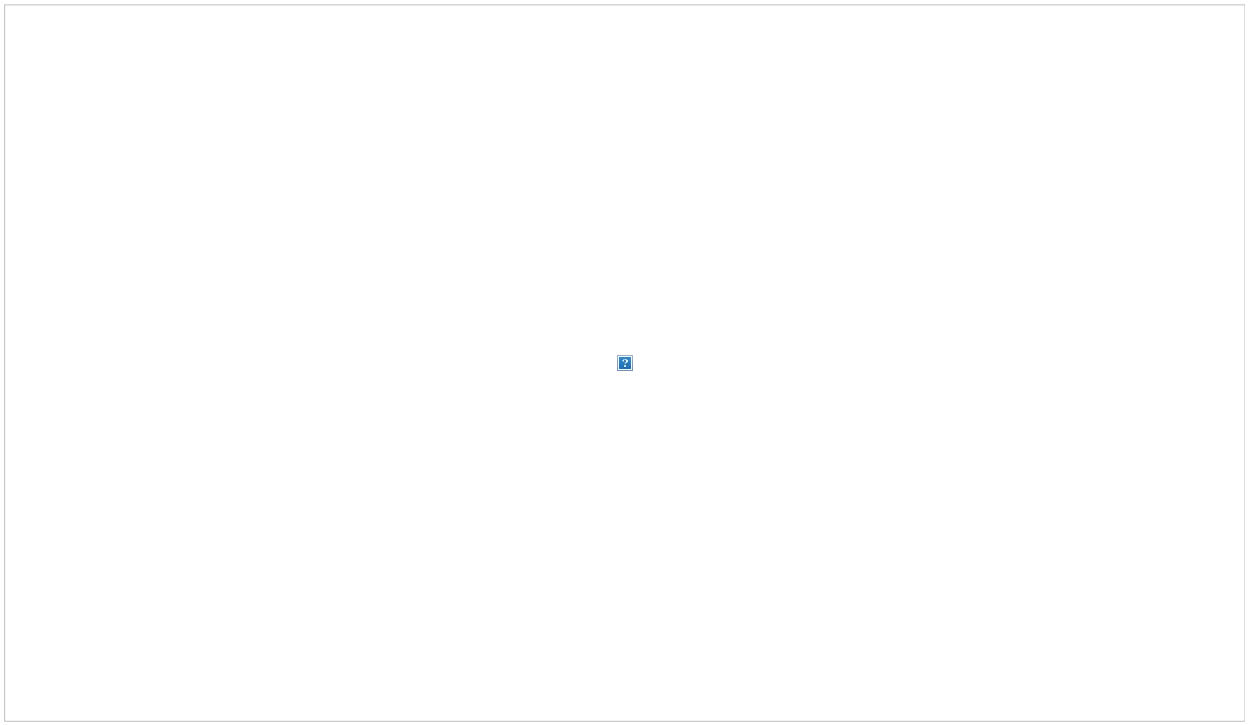
Leah Forbes, AICP
Senior Planner
Skagit County Planning & Development Services
Direct Line 360.416.1337
Main Number 360.416.1320
Pronouns: she/her



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That is not on our property. That is on Johnson's property.

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>
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> Mount Vernon, Washington 98273
> Phone: (360) 416-1423
> Email: kcricchio@co.skagit.wa.us
>
> <image001.png>
> <image002.jpg>

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

The JOHNSON Shortplat

NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.

LEGAL DISCRIPTION

PARCEL A:
The North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, Skagit County Washington:

EXCEPT that portion of the North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian described as follows:

Beginning at the Southwest corner of the said North Half:
Thence North 0°32'05" East a distance of 174.58 feet along the West line of said North half;
Thence South 44°08'02" East a distance of 141.68 feet;
Thence along a curve to the left, concave to the North, having a radius of 238 feet and an arc length of 190.77 feet;
Thence North 89°38'51" East along the South line of said North Half a distance of 271.57 feet to the true point of beginning.

Situated in Skagit County, Washington.

PARCEL B:

A portion of the Northeast Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the North Quarter corner of said Section 25;
Thence South 89°15'03" West, a distance of 77.88 feet along the North line of said section;
Thence South 0°32'05" West, a distance of 299.95 feet;
Thence South 19°48'46" East, a distance of 157.79 feet;
Thence South 31°06'09" East, a distance of 43.89 feet to the East line of the Northwest Quarter of said Section;
Thence North 0°32'05" East, a distance of 487.01 feet to the true point of beginning.

Situated in Skagit County, Washington

PARCEL C:

An easement for ingress, egress and road and utility purposes over the following described parcels:

1. The South 20 feet and the East 30 feet of the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

2. The North 20 feet and the East 40 Feet of the South Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

Except the East 20 feet thereof;

3. The South 40 feet of the South Half of the Northeast Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

EXCEPT any portion thereof lying within the County Road.

Situated in Skagit County, Washington.

PARCEL D:

An easement for road, travel and utility purposes over the following described parcel:

A 30-foot wide strip in the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, being 15 feet on each side of the following described centerline:

Beginning at a point 15 feet West of the Northeast corner of said North Half;
Thence South parallel to the East line of said North Half to a point 15 feet North of the South line of said North Half;
Thence West parallel to said South line for a distance of 320 feet;
Thence North parallel to the East line of said North Half to a point on the North line of said North Half.

Situated in Skagit County, Washington.

COUNTY APPROVALS

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY SHORT PLAT ORDINANCE SCC 14.18.

ON THIS 26th DAY OF March, 2009

Planning and Development Services — 3/26/09 Date

County Engineer — Mar 4, 2009 Date

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY TITLE 12.05 (ON-SITE SEWAGE) & 12.48 (WATER) ON THIS 5th DAY OF March, 2009

County Health Officer — 5 March 09 Date

NOTES

1. 'The short plat number and date of approval shall be included in all deeds and contracts.'

2. A LOT OF RECORD CERTIFICATION HAS BEEN ISSUED FOR ALL LOTS INCLUDED IN THIS LAND DIVISION BY VIRTUE OF RECORDING THIS LAND DIVISION AND ISSUANCE OF THE LOT CERTIFICATION, ALL LOTS HEREIN SHALL BE CONSIDERED LOTS OF RECORD FOR CONVEYANCE AND DEVELOPMENT PURPOSES UNLESS OTHERWISE RESTRICTED. SEE A.F. #200903270122.

3. 'No building permit shall be issued for any residential and/or commercial structures which are not at the time application, determined to be within an official designated boundary of Skagit County Fire District.'

4. 'Change in location of access, may necessitate change of address, contact Skagit County Planning & Development Services.'

5. Water will be supplied by the City of Anacortes to both lots.

6. Zoning and Comprehensive Plan - Rural Reserve.

7. Area Calculations:
The total acreage for the entire parcel (20.08 acres)
Lot 1 10.08 acres
Lot 2 10.00 acres

8. All private roads, easements, community utilities and properties shall be owned and maintained by separate corporate entity or the owners of property served by the facility and kept in good repair. The private 30' access and utility easement along the south property line of lot A serving lot B will be the sole maintenance responsibility of lot B. For any common road easements adequate provisions shall be made for appropriate pro-rata contributions for such maintenance by any future land divisions that will also use the same private road.

9. Sewage disposal will be on-site septic systems.

10. All runoff from impervious surfaces and roof drains shall be directed so as not to adversely affect adjacent properties.

11. A Skagit County address range will begin at 4502 and end at 4863 on Welch Lane for Lot B. Lot A will remain 4665 Welch Lane. At the time of application for building and/or access, Skagit County GIS will assign the address in accordance with the provisions of Skagit County Code 15.24.

12. This parcel lies within an area or within 500 feet of area designated as a natural resource lands (agricultural, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, State, and Federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact Skagit County Planning and Development Services for details.

TREASURERS CERTIFICATE

This is to certify that all taxes heretofore levied and which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, up to and including the year of 2009.

This 23rd day of March, 2009 (2008)

Skagit County Treasurer

Treasurer • Skagit County • OFFICIAL SEAL • State of Washington

AUDITORS CERTIFICATE

RECORD OF SURVEY AT THE REQUEST OF CLAIR A. CROSSMAN

200903270122
Skagit County Auditor
3/27/2009 Page 1 of 2 2:04PM

J. Youngquist Shawn Smith
AUDITOR DEPUTY AUDITOR

CONSENT

KNOW ALL PERSONS BY THESE PRESENT THAT THE UNDERSIGNED SUBDIVIDERS HEREBY CERTIFY THAT THIS SHORT PLAT IS MADE AS THEIR FREE AND VOLUNTARY ACT AND DEED.

RICHARD K. JOHNSON ~~DIANE~~ M. JOHNSON

Beneficiary Consent: DIANA
WELLS FARGO BANK N.A.,
BY: Edward A. DeBus, V.P.

ACKNOWLEDGEMENT

STATE OF WASHINGTON
COUNTY OF ~~SKAGIT~~ KING

ON THIS 11th DAY OF February, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED RICHARD K. JOHNSON AND DIANE M. JOHNSON, HUSBAND AND WIFE, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 1701 N 45th St Seattle WA 98103

Chelsea A Howard MY COMMISSION EXPIRES 01/11/2012.

CHELSEA A. HOWARD NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JAN. 11, 2012

STATE OF ~~WASHINGTON~~ Maryland
COUNTY OF ~~SKAGIT~~ Frederick

ON THIS 18 DAY OF February, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ~~WASHINGTON~~ Maryland, DULY COMMISSIONED AND SWORN,

PERSONALLY APPEARED Edward A. DeBus, Vice President
TO ME KNOWN TO BE THE ~~MANAGER~~ OF WELLS FARGO BANK N.A., A CORPORATION, AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE IS AUTHORIZED TO EXECUTE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ~~WASHINGTON~~ Maryland, RESIDING AT 8480 Stagecoach Circle, Frederick, MD 21701

Maryland MY COMMISSION EXPIRES 08/29/2010.

My Comm. Exp. 08/29/2010

CLAIR A. CROSSMAN STATE OF WASHINGTON 9509 REGISTERED PROFESSIONAL LAND SURVEYOR
11-25-08

SURVEYOR
Crossman & Associates
16146 McLean Road
Mt. Vernon, WA 98273

SHORT PLAT NO. PL06-1121

SHEET 1 OF 2

SHORT PLAT *FOR: Richard & Diana Johnson*
4665 Welch Lane
Anacortes, WA 98221

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON

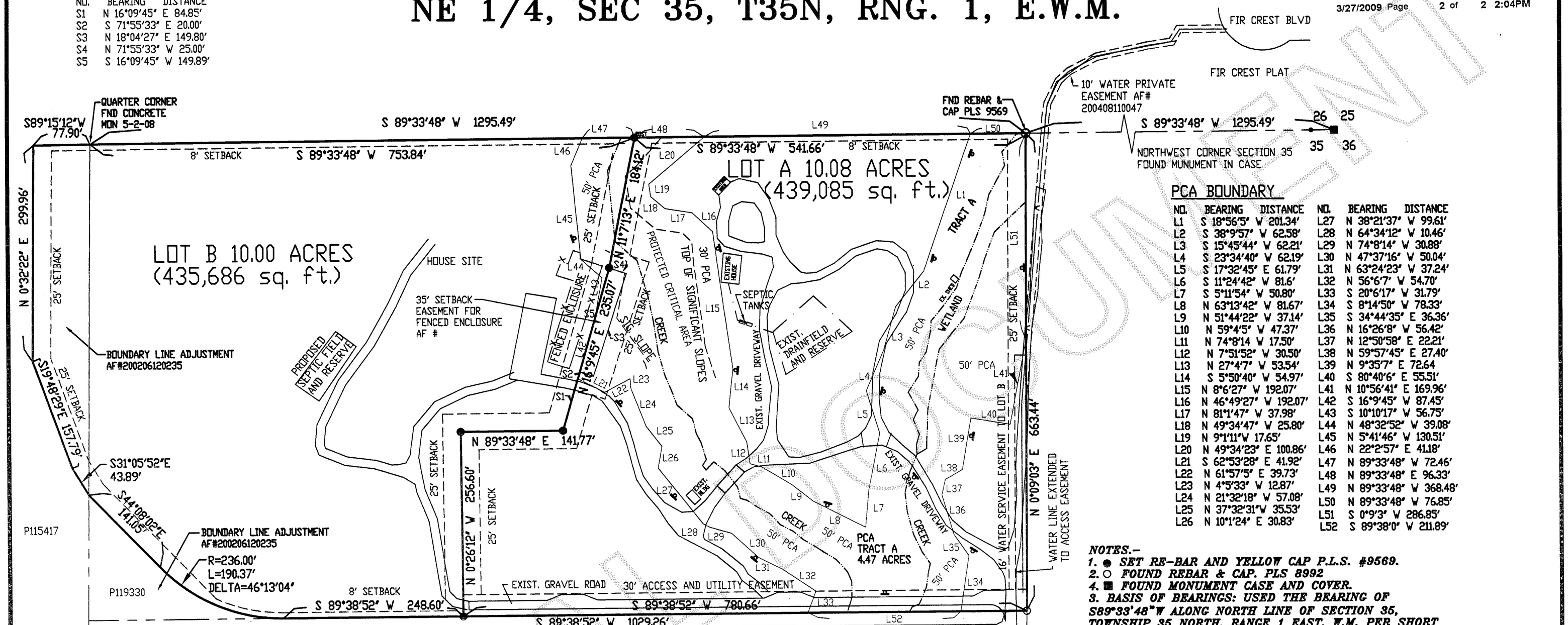
HERRIGSTAD ENGINEERING PS
4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804

DWG.:J520
DWN BY: DKH
CHECK BY:CAC
DATE: May. 2008
SCALE: 1"=200'
JOB NO.: 520

UNOFFICIAL DOCUMENT

200903270122
Skagit County Auditor
3/27/2009 Page 2 of 2 2:04PM

The JOHNSON Shortplat
NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.



PCA BOUNDARY

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S 18°56'5" W	201.34'	L27	N 38°21'37" W	99.61'
L2	S 38°9'57" W	62.58'	L28	N 64°34'12" W	10.46'
L3	S 15°45'44" W	62.21'	L29	N 74°8'14" W	30.88'
L4	S 23°34'40" W	62.19'	L30	N 47°37'16" W	50.04'
L5	S 17°32'45" E	61.79'	L31	N 63°24'23" W	37.24'
L6	S 11°24'42" W	81.6'	L32	N 56°6'7" W	54.70'
L7	S 5°11'54" W	50.80'	L33	S 20°6'17" W	31.79'
L8	N 63°13'42" W	81.67'	L34	S 8°14'50" W	78.33'
L9	N 51°44'22" W	37.14'	L35	S 34°44'35" E	36.36'
L10	N 59°4'5" W	47.37'	L36	N 16°26'8" W	56.42'
L11	N 74°8'14 W	17.50'	L37	N 12°50'58" E	22.21'
L12	N 7°51'52" W	30.50'	L38	N 59°57'45" E	27.40'
L13	N 27°4'7" W	53.54'	L39	N 9°35'7" E	72.64
L14	S 5°50'40" W	54.97'	L40	S 80°40'6" E	55.51'
L15	N 8°6'27" W	192.07'	L41	N 10°56'41" E	169.96'
L16	N 46°49'27" W	192.07'	L42	S 16°9'45" W	87.45'
L17	N 81°1'47" W	37.98'	L43	S 10°10'17" W	56.75'
L18	N 49°34'47" W	25.80'	L44	N 48°32'52" W	39.08'
L19	N 9°1'11"W	17.65'	L45	N 5°41'46" W	130.51'
L20	N 49°34'23" E	100.86'	L46	N 22°2'57" E	41.18'
L21	S 62°53'28" E	41.92'	L47	N 89°33'48" W	72.46'
L22	N 61°57'5" E	39.73'	L48	N 89°33'48" E	96.33'
L23	N 4°5'33" W	12.87'	L49	N 89°33'48" W	368.48'
L24	N 21°32'18" W	57.08'	L50	N 89°33'48" W	76.85'
L25	N 37°32'31"W	35.53'	L51	S 0°9'3" W	286.85'
L26	N 10°1'24" E	30.83'	L52	S 89°38'0" W	211.89'

LEGEND

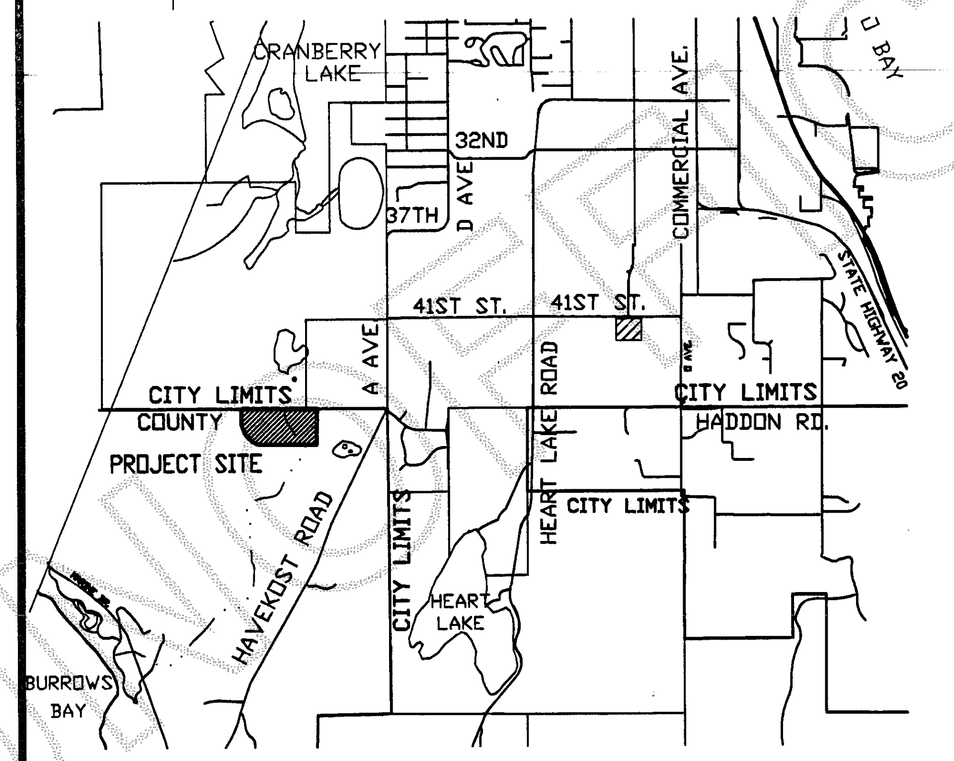
PCA SIGNAGE LOCATIONS

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

PCAE - PROTECTED CRITICAL AREA EASEMENT AF #200903270124



VICINITY MAP
SCALE: 2"=1 MILE
SURVEY IN SECTION 35, T.35N., R1E., W.M.

NOTES.–

1. ● SET RE-BAR AND YELLOW CAP P.L.S. #9569.
2. ○ FOUND REBAR & CAP. PLS 8992
4. ■ FOUND MONUMENT CASE AND COVER.
3. BASIS OF BEARINGS: USED THE BEARING OF S89°33'48"W ALONG NORTH LINE OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M. PER SHORT PLAT NO. 93-081, AF # 9410100067.
4. EQUIPMENT USED: PENTAX R-323N TOTAL STATION.
5. ERROR OF CLOSURE MEETS WASHINGTON STATE SURVEY STANDARDS.
6. SURVEY METHOD: STANDARD FIELD TRAVERSE.
7. ZONING: RURAL RESERVE

GENERAL INFORMATION

1. Assessor's Account No. 350135-1-006-0108, P32553.
2. Description and exception information is from Chicago Title Company, Order No: ICC41101, dated December 11, 2006.
3. This property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record including but not limited to those instruments referred to in Chicago Title Company Report referenced under Note 2 above. Said report lists documents recorded under Auditors File Numbers 860600 , 8202230027, 630694, 200206120236, 200405100214, 200406240055, 200406300061, 200408110046, 200408110047 and 200408180096. Deeds of trust are recorded under Auditors File Number 200408130204, 200504080053 and 200504080054.
4. A Varianee has been granted to this property for a 40' ingress, egress & utility easement on welch lane and for a 30' ingress, egress & utility easement on parcel P32554.

SURVEYORS CERTIFICATE

I hereby certify that the short subdivision is based on an actual survey, which is retraceable and based on a true subdivision of the section, that the distances, courses, and angles are shown thereon correctly, and that monuments have been set and lot corners staked on the ground as shown on the short plat in accordance with the provisions contained in Chapter 332-120 WAC.

CLAIR A. CROSSMAN, P.L.S.
Certificate No. 9569
Date 11-25-08

CLAIR A. CROSSMAN STATE OF WASHINGTON 9569 REGISTERED PROFESSIONAL LAND SURVEYOR

11-25-08

SURVEYOR
Crossman & Associates
16146 McLean Road
Mt. Vernon, WA 98273

SHORT PLAT NO. PL 06-1121 SHEET 2 OF 2

SHORT PLAT FOR: Richard & Diana Johnson
4665 Welch Lane
Anacortes, WA 98221

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON

HERRIGSTAD ENGINEERING PS
4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804

DWG.:J520
DWN BY: DKH
CHECK BY:CAC
DATE: Oct. 2008
SCALE: Noted
JOB NO.: 520

UNOFFICIAL DOCUMENT

EXHIBIT #7

APPLICANT'S RESPONSE TO COMMENTS RECEIVED

WOLF ENCOUNTERS ANACORTES, WA

Predators of the Heart

"Dedicated to wildlife education, conservation, rescue"

4709 Welch Lane, Anacortes, WA 98221

Email: admin@predatorsoftheheart.com Phone: (360)770-7479

Mr. Cricchio and Skagit County Officials:

Thank you for receiving our application for a Special Use Permit with Skagit County. We have carefully and thoroughly reviewed the public comments and have provided responses as requested by Skagit County. As you'll see below, Predators of the Heart (POTH) has always operated lawfully and, with one specific instance in 2021, has been a thoroughly safe and secure operation, providing sanctuary and protection for the animals it houses. POTH is a 501(c)(3) organization, vetted and routinely inspected by the United States Department of Agriculture (USDA). The USDA licenses POTH as a Class C Exhibitor, which is the highest level of licensing provided by the USDA for civilian organizations.

As a preface, it is critical that Skagit County understand what will happen if it denies this request for a Special Use Permit.

Should this permit be denied, most of the animals housed by POTH, either as rescues or for permanent placement, would likely have to be euthanized. This includes, but is not limited to, all its wolfdog population, cougars, birds of prey, reptiles, and small mammals. These animals are cared for by POTH and all POTH's proceeds go to the care and safekeeping of these animals.

It is also critical to preface by noting that POTH has been in operation at this location since 2001—over 20 years at this location. It has operated largely in the face of hostility from a few select neighbors who seemed to copy and paste their comments on each of their letters. Despite those complaints, POTH has provided a continuous and vital resource to the community since its inception.

I. Exemptions

As noted above, Predators of the Heart operates lawfully and always has. Some of the comments—most notably by Kevin Welch and his attorney—say that POTH is "operating unlawfully" under RCW 16.30.030. Under RCW 16.30.030(1), "a person shall not own, possess, keep, harbor, bring into the state, or have custody or control of a potentially dangerous animal **except as provided in subsection (3) of this section**." (emphasis added.)

RCW 16.30.030(3)

The law cited by Mr. Welch and his attorney provides its own exemption. Under RCW 16.30.030(3), "A person in legal possession of a potentially dangerous wild animal prior to July 22, 2007, and who is the legal possessor of the animal may keep possession of the animal for the remainder of the animal's life."

Clearly, since POTH has been in operation since 1998, all "potentially dangerous animals" as defined by RCW 16.30 in its possession have been with POTH since before 2007 or are being housed on behalf of animal control or a government agency. All veterinary records, acquisition papers, and other documents that show POTH has possessed these animals prior to 2007 are available for Skagit County officials to review.

Yet, POTH's exemptions do not end there.

WOLF ENCOUNTERS ANACORTES, WA

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RCW 16.030.020

Under RCW 16.30.020(c), "Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the animal control authority or acting under the authority of this chapter" are exempt from RCW 16.30.

POTH is a duly incorporated nonprofit animal protection organization, and as evidenced by the attached contracts, works closely with animal control, Department of Fish and Wildlife (DFW), the U.S. military, and various counties across the state of Washington to provide housing and protection for rescued animals. For instance, earlier this summer, POTH worked with local military and animal control agencies to house and protect animals seized by each respective organization and does so on a regular basis. See attached **Exhibit A, example of government contract**.

POTH is exempt from RCW 16.30 under RCW 16.30.020(c) as it operates as a shelter and humane society, and houses animals at the written request of the animal control authority or acting under the authority of this chapter. Out of 100 animals currently residing at POTH, over 80 animals are rescues and have been given sanctuary because of POTH's work. For instance, within the last year, the U.S. military, DFW, USDA, and U.S. Customs all contacted POTH regarding providing sanctuary for an animal. POTH provides this service for the benefit of the community. Many, if not most of these animals would have to be euthanized if not for POTH's work.

In summary: POTH is indeed a "duly incorporated nonprofit animal protection organization" (see attached **Exhibit B, Nonprofit Status with the IRS and Washington Secretary of State**) and likewise houses, "**an animal** at the written request of…animal control authority or acting under the authority of this chapter." Again: POTH works regularly with animal control agencies, law enforcement agencies, and federal authorities and has written agreements a sample of which has been attached hereto as **Exhibit A, Example of Government Contract.** POTH continues to assist many state and federal agencies, housing ***many animals*** at the written request of law enforcement and animal control agencies.

RCW 16.30.010(5)

In addition, POTH is a wildlife sanctuary under RCW 16.30.010(5).

RCW 16.30.010(5) defines a wildlife sanctuary as, "…a **nonprofit organization**…that cares for animals defined as **potentially dangerous** and:

(1) No activity that is **not inherent** to the animal's nature, natural conduct or the animal in its natural habitat is **conducted**;
(2) No **commercial activity** involving animals occurs including, but not limited to, the sale of or trade in animals, animal parts, animal by-products or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;
(3) No **unescorted** public visitations or direct contact between the public and an animal; or
(4) No **breeding** of animals occurs in the facility.

As noted above, POTH operates as a nonprofit organization and does not engage in any activity that is "not inherent" to the animal's nature, that no "commercial activity" involving animals is taking place—specifically defining the sale or trade in animals or animal parts, by-products or offspring, or the sale of photographic opportunities involving an animal, "or the use of an animal for any type of entertainment purpose…"

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Of important note: educational tours involving the animals are ***not*** for entertainment purposes; they are educational in nature. POTH staff and tour guides are highly trained regarding the nature of the animals, their diet(s), care and upkeep, housing, and much more. The tours that take place are never, ever "unescorted" and there is no "direct contact" between the public and a "potentially dangerous" animal. All POTH's animals, except for the wolfdogs, are enclosed and unavailable to the public (more details below).

POTH cares for animals defined under Washington law as "potentially dangerous"—specifically, its cougar(s) that require constant care and maintenance due to their inability to care for themselves. POTH has animals listed on RCW 16.30.010(5): cougars, alligators, primates, and one snake that are members of the *family viperidae* RCW 16.30.010 specifically excludes wolf-hybrids. RCW 16.30.010(2)(B) defines *family canidae*, wolves, as potentially dangerous, but specifically excludes **wolf-hybrids**. POTH's wolfdog population are ***wolf-hybrids*** and, under RCW 16.30.010(2)(B), are specifically excluded from RCW 16.30.010.

The other animals referenced in the statute, namely cougars and snakes that are part of the *family elapidae*, are fully enclosed and never interact with the general public. The cougars have been owned prior to 2007 and any viewing occurs with two separate layers of fencing. POTH only allows certain members of its staff with specialized training to interact with the cougars because of their inability to care for themselves. For instance, one of the cougars suffers from severe diabetes—meaning it has a specialized diet and certain requirements for its care. There have never been any escapes from an enclosure, nor any interaction with the general public. These cougars are in the care of POTH because they need constant support. Without the care that POTH provides, the cougars would die.

The snakes housed by POTH are likewise enclosed: they live in full enclosures and are never exposed to the public for handling.

As such, as a nonprofit organization whose ***specific purpose*** is to house and care for "potentially dangerous animals" doing so at the behest of government organizations, POTH is considered a wildlife sanctuary and is exempt from RCW 16.30 under RCW 16.30.010(5).

RCW 16.30.020(l)—Class C Exhibitor/Fair Exemptions

Finally, POTH's USDA Class C Exhibitor License also exempts it to RCW 16.30.010. Due to its work with state and local fair(s) statewide, POTH is exempt from RCW 16.30 under RCW 16.30.020(l). Further, as a Class C Exhibitor, the USDA's highest level of licensing available to non-governmental entities, POTH is exempt from RCW 16.30 because of the extensive training required for said licensing. The plain language of the statute allows for POTH to ***exhibit*** the animals in its care and exempts the organization due to its participation in fairs statewide. It would be erroneous and nonsensical to "exempt" an organization from these regulations for the time(s) that it interacts with the general public most explicitly—at a public fair.

As a USDA Class C Exhibitor, POTH goes through regular (and random) inspections by federal officials. USDA inspections review all aspects of POTH's operations: safety of the community and upkeep/caretaking of the animals, employee safety, animal care and diet, housing, ventilation, lighting, interior surfaces/cleanliness, enclosures/escapability, sanitation, pest control, feeding and watering, outdoor shelter(s), compatibility, record-keeping, veterinary care, handling, and transportation.

In short: POTH's USDA Class C licensing subjects it to intense scrutiny, and its exhibiting at state fair(s) provide it with a broad exemption from RCW 16.30. Because of its licensing and work with governmental authorities, POTH likewise has been toured by many government agencies such as DFW, animal control

4709 Welch Lane, Anacortes, WA 98221

Email: admin@predatorsoftheheart.com Phone: (360)770-7479

agencies, Skagit County officials, and each have inspected and reviewed its operations. As noted herein, POTH has attached its most recent USDA inspection, which took place in August 2022, where it received a perfect, no-compliance inspection. This is the highest rating available for a USDA inspection. See attached **Exhibit C, USDA August Inspection Results**.

Summary

POTH operates under several exemptions under Washington law. Each of which provide POTH with a full-fledged exemption to the laws regarding the housing and care of wild, exotic and/or potentially dangerous animals. POTH is a resource to law enforcement, animal control, DFW, and many other organizations; POTH works closely with local, state and federal authorities and has the highest-available licensing for civilian organizations (Class C Exhibitor License with the USDA) which requires extensive training, routine (and random) inspections and a litany of regulations for the care of its animals. POTH has been and will continue to be a resource to the community by safely housing and caring for each of the animals that are in its stead.

II. Non-Profit Purpose

There were a few comments inquiring about how POTH can operate educational tours (Airbnb tours, for one) while still maintaining its nonprofit status.

Every activity that POTH undertakes, from educational tours, to speaking events, to fairs, only **furthers its nonprofit purpose**. Simply because a nonprofit engages with a for-profit entity does not void its nonprofit status. The law requires that a nonprofit partake in activities that further its nonprofit purpose—every activity and event that POTH engages in, from educational tours to speaking events, is meant to raise awareness and funds for the protection, caregiving, and safekeeping of the animals it houses. Educating the public through tours is only one way in which that nonprofit purpose is furthered.

POTH's nonprofit purpose is based on connecting us, as humans, to the glory and wonder of creation, including wildlife. God has connected all living things, and it is our job to maintain and care for these animals and the earth. As amended in 2015, under its Articles of Incorporation, "Predators of the Heart is a licensed 501(c)(3) nonprofit organization animal sanctuary that cares for potentially dangerous animals by providing a safe home for unwanted or abused…animals that have been confiscated by animal control agencies as well as potentially dangerous animals that for other reasons need to be safely housed and cared for…" This means that POTH's purpose is to provide care and safekeeping to the animals that it houses—most of which could not survive without the constant care that POTH provides.

Further, and of note: the bylaws of POTH explicitly note that there shall be ***no breeding*** of animals. POTH does not breed exotic animals of any kind.

Historically, POTH was founded as a faith-based, religious organization that connects wildlife and the glory of creation to people. We are stewards of God's creation and are meant to care for these animals; POTH exists to showcase that connection and to educate people on the web of life. Thousands of reviews online showcase that POTH is a place where people experience the beauty and glory of nature—which is why it has not eroded or otherwise developed the natural habitat where the animals reside.

The paid educational tours that POTH provides allows POTH to feed, house and otherwise protect these animals. Every dollar that is raised or paid to POTH goes to the care and well-being of the animals that it provides sanctuary for.

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Virtual School Tours

Additionally, over the last number of years, POTH has partnered with Washington state school districts, providing virtual tours and educating thousands of children on how each animal plays a vital role in the web of life. With each of these tours, we are bringing a hope and a new love and appreciation for nature, including the animals we are trying to save and protect. Prior to these virtual tours, for many years POTH provided on-site animal experiences at many schools across the state of Washington.

POTH now also offers free virtual tours to all the schools districts in the United States and hopes to provide international educational tours in the years to come for qualified educational institutions. We hope to bring awareness to our youth the roles each and every animal plays allowing the ecosystem to survive and how we all contribute to the state of the world that we all share. This again is based on our religious foundation and the role that each of us plays in nature.

POTH has also had the opportunity to partner with the Make-a-Wish Foundation. We have had the opportunity to meet and serve an amazing young woman named Addie.

Addie was diagnosed with a brain tumor and was only given a few months to live. Her dreams and desire were to be an exotic veterinary technician. She was able to come out to our property and meet some amazing creatures. The impact she had on our organization are unexplainable. Her family have written a letter on our behalf, which is attached to this response as **Exhibit D, Addie's Letter.** We provide these kinds of tours for free to the Make-a-Wish foundation. It is an honor and a privilege for POTH to provide a safe, secure place where these kinds of tours can take place.

Veteran Programs

POTH also works continuously for those who have served our country. We have partnered with our local military and provide them with an outreach program that caters to the men and women who have fought and served for our freedoms, providing tours to military families who have experienced trauma and have served our country so faithfully. POTH looks forward to continuing to work with local, regional and national organizations that assist veterans.

III. Safety

POTH has worked tirelessly with federal, state and local authorities at providing the safest and most secure facilities possible for the benefit of the community and the technology available. Having been at its current location for over twenty (20) years, POTH has had only two escapes—one of which was the result of repeated antagonization by neighboring, leash-less dogs.

One of the two escapes resulted in the death of a local dog. The neighboring dog, as mentioned, had repeatedly antagonized the wolfdogs of POTH. This was a tragic situation that could have happened to ***any*** neighbors with dogs.

That being said: POTH has taken every available measure to ensure that this ***never*** happens again.

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First, POTH has reallocated its enclosures so that no wolves or wolf enclosures border any neighboring property. This means that the wolfdog runs and enclosures will never come in contact with neighbors, their pets or other animals—the enclosures and runs have all been moved so that they are never able to be "antagonized" or in any way approached by bordering properties. It removes all potential engagement with neighboring pets or people.

Second, POTH has implemented six-sided fencing for its wolfdog enclosures. These enclosures are impossible for wolfdogs, or canines of any kind, to escape. This means that there is fencing above, below, and around the wolfdogs. They literally cannot escape as explained more fully below.

Third, nearly every inch of POTH's compound is under surveillance and/or populated with staff 24/7. POTH's camera system tracks each animal, movement, incursions into the property and any movement from the property. The camera system, which again surveys virtually every foot of the property, is monitored 24/7, 365 days a week by POTH staff.

Finally, and most tragically, the wolfdog that was instigated and escaped has been euthanized by POTH. This wolfdog was with the staff for many years and was cared for by them. Still, unprompted, POTH euthanized the wolfdog as a result of the 2021 incident.

Six-Sided Fencing

As noted above, the wolfdogs are now ***always*** in six-sided fences at night, and are never in a position to escape the compound. These safety measures have been reviewed by various agencies, including the USDA, who have remarked that the safety measures taken by POTH are beyond adequate. Again: a six-sided enclosure means that the wolves ***cannot escape***; they cannot dig out and they cannot jump over the fence. The fence is six-sided (above, below and four-walls) at all times when the wolves are not supervised.

Additionally, POTH has reallocated resources and moved its fencing so that none of the wolves, nor their runs, ever border any area where a human or pet could engage with them even through a six-sided fence.

Further, POTH has also put the enclosures of the wolves into *other* enclosures; meaning, even if a wolf were to somehow escape—they would only be able to escape into an additional enclosure. In a six-sided enclosure, escape is impossible. However, even considering that fact, POTH has implemented a fail-safe program whereby the wolves would only be able to escape into another enclosure.

Cameras

For safety and security purposes, POTH has not disclosed all of its camera angles and vantage points, but nearly every square foot of the compound is visible by POTH staff. The compound itself is monitored 24/7 by POTH, 365 days a year. Staff are on-site daily with the animals. When they are not with the animals, the animals are housed in six-sided enclosures as noted above.

USDA Inspections

As recently as August 5, 2022, POTH was inspected by the United States Department of Agriculture (USDA) and came away with its highest inspection status (no non-compliance). POTH continues to hold a Class C Exhibitor license, which is the highest licensing available to non-government agencies.

This also means that **any escape** requires a USDA inspection. Further—even when **no escape** occurs but an escape is ***reported or alleged***, POTH is subsequently inspected by the USDA. This means that even when no escape happens, and, say, a coyote is mistaken for a wolf—the USDA still visits POTH and inspects its

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Email: admin@predatorsoftheheart.com Phone: (360)770-7479

facilities. This happens regularly. Additionally, POTH has invited other government agencies, such as Department of Fish and Wildlife and animal control agencies, including Skagit County officials, to inspect and review its operations. The comments from neighbors do not seem to have a clear understanding as to what POTH does, nor what animals it houses. Most of the animals at the POTH facility are rescued animals; the animals that are not, such as ambassador wolfdogs, are highly trained and are not considered dangerous or exotic by the USDA nor the Department of Fish and Wildlife. They are classified as canines. They are no more dangerous or vicious than any other dog, though, like all dogs, have different temperaments. POTH has attached its last 2 USDA inspection results to this Response. POTH has provided the results of its August inspection as noted herein.

Further, claims that POTH has had "repeated escapes" is inherently false.

"Repeated" Escapes

Some of the commenters have indicated "seeing" wolves on their property or properties. This is incorrect.

It is important to note that most of the public comments likely have been promulgated and fueled by Kevin Welch, a businessman who has a history of disrepute in the community who has targeted the Predators of the Heart property for development. If POTH is denied a permit, Mr. Welch has long desired to acquire POTH's property for his own benefit and leisure. Mr. Welch has made more than one offer on the POTH property over the years. Further, if POTH is denied a permit—most of the animals that have been provided sanctuary will have to be euthanized.

Mr. Welch has repeatedly sought to trespass onto POTH's property, approaching our fence line and gated entrance in an effort to gain access so as to attempt to harm POTH and its organization. He, or his employees, have likely also repeatedly called POTH over the last number of months attempting to get POTH to violate its agreement with Skagit County. Mr. Welch even sought to book an educational tour with POTH, knowing that POTH was shut down while going through the Special Use Permit process. Mr. Welch also claims that POTH's operations will bring excessive traffic to the area; we have also attached the camera footage of his property receiving over 36 vehicles in one day and 22 vehicles on another. POTH does not receive nearly that amount of traffic on any given day. Suffice to say: neighboring properties receive far more traffic than the few cars that travel to/from POTH's compound for educational tours.

In any event, the actions of Mr. Welch show that he is not a concerned citizen. If Mr. Welch was so concerned with the safety of the animals—including the housing of the wolfdogs on the property or the other rescued animals being dangerous—he would not have repeatedly trespassed onto POTH property attempting to take pictures while attempting to incriminate POTH.

Further, Mr. Welch, or Mr. Welch's attorney, cites nebulous, baseless claims. For instance, Mr. Welch's attorney notes that, "one of our clients has seen wolves running loose on adjacent properties and in the Anacortes Community Forest on at least five separate occasions." This type of vague, unfounded claim is only meant to stir up fear for Mr. Welch's personal gain. Regarding that specific statement: first,

there have been no escapes other than what has been publicly noted and discussed by POTH. Any escape, **and any alleged escape**, requires that the USDA be notified with a follow-up inspection. There have simply been no escapes.

Second: all of these properties are located in an admittedly *rural* area, bordering on hundreds of acres of forest and trails. Many animals—including large dogs and coyotes—run freely on these trails and in this area. It would

be impossible to identify a wolf unless it were up close—very close—to a human being. If a wolf were identifiable as belonging to POTH, it would have been noted and written about already. No wolves have escaped. Additionally, if a wolf were ***running*** as indicated by Mr. Welch's attorney—how could it have been identifiable as a wolf to an untrained eye, from an unknown distance? How could an untrained individual identify that a wolf and not a coyote or a large dog was "running" on land that borders over 500 acres of forest land and trails? The reality is that those kinds of claims are patently false and intentionally unverifiable—they are fearmongering statements that have no way of being verified, and only serve to scare people.

The reality is that there have not been "repeated" escapes. There have been two escapes in over 20 years, and one was at least partially due to the repeated instigation of a leash-less dog. As noted above, that issue has been remedied—the wolfdog enclosures no longer border any other property. Further, the wolfdog responsible has been euthanized and additional measures have been implemented to ensure that no wolf ever escapes again, regardless of the antagonization that occurs on the other side of the fence.

2012 Escape

First: wolfdogs are not classified by the USDA or Washington State as "Dangerous Animals" nor are they considered wildlife.

As noted above, POTH has already addressed the fact that neither the federal government nor Washington state recognize wolf-hybrids as "potentially dangerous animals" nor are they considered wildlife.

Second: Like any organization, POTH has drastically changed in its operations from 2012. Technology has changed and so have the operations for POTH. It has implemented many new security measures since 2012 and management has changed entirely. Some of those changes have been noted herein.

Third: as noted above, the wolfdogs are now ***always*** in six-sided fences at night and are never in a position to escape the compound. These safety measures have been reviewed by various agencies, including the USDA, who have remarked that the safety measures taken by POTH are beyond adequate. Again: a six-sided enclosure means that the wolfdogs ***cannot escape***; they cannot dig out and they cannot jump over the fence. The fence is six-sided (above, below and four-walls) at all times when the wolves are not supervised.

Fourth, and finally: during the 2012 escape, no one was injured, and the wolfdog was more docile than most common house dogs. To recount: the wolfdog at that time was approached by a law enforcement officer, who was accompanied by a German Shepherd—the POTH wolfdog came when called and was leashed without incident. This instance would have been threatening to most dogs; a law enforcement agent, accompanied by a large breed dog, would have been threatening to most dogs—and yet, the POTH wolfdog was docile, came when called, and was leashed without incident.

The public comment made by Mr. Welch makes specific note of the backseat of the law enforcement vehicle being "destroyed". This is a misstatement and shows a clear propensity to try and manipulate facts. **Any dog placed into the backseat of a car—especially a car with no windows—would become agitated and try to escape.**

Further, any dog that is housed exclusively outdoors and is not "house trained" would have a similar response to being put into an enclosed vehicle without supervision because it would cause the animal anxiety. In other words: if a Bernese Mountain dog who lived outside, or a German Shepherd or any large breed dog, were placed into the back of a vehicle without supervision, such an act would likely cause anxiety and the dog—any dog—might have a similar response. Even small dogs, such as a Jack Russell Terrier, would

or could "destroy" a car in the same manner as the wolfdog. The "destruction" of the backseat of a car is not an act of aggression; any animal expert—and most animal lovers—would testify to the same truth.

The fact that Mr. Welch failed to note (or his attorney failed to note) was the fact that the wolfdog was ***completely docile*** and ***non-aggressive*** with the law enforcement agent ***and the law enforcement agent's dog*** show that they have no idea about the actual proclivities of the animals housed at POTH. Mr. Welch paints his own picture that the wolfdogs housed by POTH are vicious, wild animals—and yet cites to a story (from 2012) that shows, unequivocally, that the wolfdogs **come when called** and are **leashed without issue**. This is a great example as to POTH's animal sanctuary and why it exists in the first place—to educate the public on the web of life and the wonder of creation.

Mr. Welch's attorney also seems to make arguments that are incompatible with each other: on the one hand, he argues that the POTH property is located in a "rural community" that has very few people present, and yet simultaneously argues that POTH is surrounded by many families and homes.

In truth, Mr. Welch is not anywhere near the POTH property. His repeated trespasses onto the POTH property clearly show that he, for one, does not find the POTH property to be dangerous or a nuisance. It would appear that the primary instigator—the person responsible for most of the negative ire directed at POTH's operations—is clearly someone who is not worried about his own safety or the safety of the Welch Lane community as he so boldly trespasses onto the POTH property.

These animals, like all animals, are not human. They are in need of service and protection; they have been rescued from dire situations. Each animal has been accounted for and is available for viewing, as many rescues allow, so that the public can be educated on their need and connectedness to nature. God has created these animals; it is our job to steward and protect them.

IV. Misstatements and Clarifications

A number of comments had misstatements or fallacious information in them, which we will seek to clarify below.

"Predators houses and breeds dozens of dangerous, wild animals"

- Predators does not breed animals, neither does it house wild animals.
- All of the animals housed are rescued or have been acquired from dire situations—such as the cougars, which were acquired by POTH prior to 2007. By way of example, these cougars are old, decrepit and sick. One of the cougars, Boy, suffers from severe diabetes. He would not and could not survive in the wild, which is why POTH cares for him daily.

"It is unclear what percentage of the Predators animals are indeed full wolves"

- None of the wolves are "full wolves". Every wolfdog housed by POTH is a wolfdog—there are no "full wolves".

"A wild animal "sanctuary" is incompatible with the neighboring properties because it poses a significant threat to the safety and health of the Welch Lane community."

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- POTH has been on this property without issue for over 20 years. It is notable that not every bordering neighbor sees POTH as a problem—only a few, and those few are led by Kevin Welch, who has sought to acquire POTH's property for his own benefit. POTH has lived peaceably with other neighbors in the Welch Lane community that have not been instigated by Kevin Welch for over 20 years.
- A singular instance whereby an instigating dog was killed has been rectified by POTH, both financially and operationally. POTH is routinely checked by federal authorities for its safety compliance. It has reallocated its resources so that no wolfdog enclosure borders any neighboring property and has implemented a six-sided fencing system to ensure that wolfdogs cannot escape.
- POTH has been a continual resource to the community, including working closely with law enforcement, animal control, the U.S. military and other federal and state agencies to provide sanctuary for these animals.

"An October 2017 escape occurred"

- There was no escape at that time. Instead, an individual trespassed onto POTH property—the story cited merely notes that POTH implemented "warning signs" regarding its property.

"Humane shelters do not breed animals or offer paid tours to the public; their primary purpose is to rescue and rehome unhoused animals."

- This was clearly written by an individual who only knows of dog and cat shelters. Most of the animals rescued and housed by POTH cannot be "rehomed". They require specialized care and are brought to POTH precisely because no one can care for them.
- Additionally, as noted, POTH does not breed animals. This is stated clearly in its Articles of Incorporation, which is publicly available on the Secretary of State's website
- Over 80% of its animals have been brought to POTH due to rescue—which is supported by the contracts POTH have provided in this response.

"The exception for persons displaying animals at a fair under RCW 16.30.020(1)(l) does not apply to [POTH]…"

- Mr. Welch's attorney goes out of his way to state that the Legislature "did not intend to allow an organization or individual to house dozens of…animals on a year-round basis so long as they show animals at a state fair a few times per year" and yet—cites no authority about the Legislative intent for this exemption which clearly applies to POTH as it does, indeed, exhibit animals at fairs for several years.
- The plain language of the statute speaks for itself—the fair exemption is one of the exemptions for organizations to be exempt from the cited statute.

- Rather than cite actual authority or legislative intent, Mr. Welch's attorney cites *City of Yakima v. Godoy*, a case that has nothing to do with RCW 16.30.020—but is about whether a car can be parked on

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a highway during a police chase. This is a clear attempt to make it *seem* like case law that supports his position, when in reality the plain language of the statute at hand exempts POTH due to its work in the public spectrum at fairs.

- Mr. Welch's attorney, lacking authority, uses subterfuge and unrelated case law to attempt to misdirect Skagit County into believing that POTH's operations are somehow illegal—which they clearly are not.

"[POTH]…continues to violate various state laws"

- The citations set out by Mr. Welch and Mr. Welch's attorney are all virtually focused on the same misdirection. POTH has several legal exemptions that allow it to operate, which it has noted above. It provides a public service to animal control and many state and federal entities. POTH is currently engaged in contractual relationships with multiple government entities.
- It is not a *per se* public nuisance because it is *exempt* from the statutes cited. Per se, meaning in violation of the law, is a false statement.

"POTH already creates and will continue to create undue noise and odor for the surrounding dwelling units."

- Ironically, Mr. Welch (who made this comment) has far more traffic enter/exit onto his property than POTH on any given day. For example, on August 30, 2022 to August 31, 2022, Kevin Welch—the neighboring property for POTH—had no less than **20 vehicles** enter and exit his driveway, which includes his own employees and laborers. On September 6,2022, Mr. Welch's property had **36 cars** enter and exit his property. Mr. Welch also utilizes four-wheelers and ATV units on his property, and on any given day, uses massive street sweepers to clear his driveway as well as tractors and a "boom mower" to cut trees loudly and in mass. See attached **Exhibit E, Kevin Welch Property Traffic.** POTH is privy to this information because of its camera system, which monitors any potential exits or incursions to/from the POTH property. Suffice to say, Mr. Welch's property and his property's activities create far more traffic and noise than POTH's compound.
- Mr. Welch's attorney cites a complaint from 2015 which was dismissed—largely because the claims were not factually based, but were based on unsupported commentary by Mr. Welch himself.
- There are no odors from meat or other waste because POTH utilizes dumpsters. See attached **Exhibit F**, **Photos of POTH Dumpster.** All waste is properly disposed of.
- The property is in a rural location, bordering hundreds of acres of forest land, whereby actual wild animals do, indeed, make noise. The POTH compound is exceedingly quiet. The cougars referenced by Mr. Welch can barely walk—they do not screech. The wolfdogs housed by POTH howl three to four times per day—for less than 50 seconds. The noise does not stop regular conversations during educational tours—it is not excessive, repetitive nor exceedingly loud.
- There is no basis under which Mr. Welch claims that there is "excessive noise"; Skagit County employees were on-site and can attest to the volume of the animals.

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"How can they work with AirBnB and be a nonprofit?"

- The term "nonprofit" is short for ***not-for-profit***—it does not mean that an organization cannot charge for tours or activities that further its nonprofit purpose. For example, aquariums, zoos, wildlife sanctuaries—all charge for tours and yet they maintain their respective statuses as nonprofit organizations. With that, any nonprofit activity—such as an educational tour—must be "in furtherance of its nonprofit purpose"—of which every activity that POTH engages in does (including its educational tours).
- Moreover, all proceeds generated by POTH, its educational tours and other activities go exclusively to the care and safekeeping of the animals POTH houses. Not-for-profit means that the organization itself is not meant to benefit or profit an individual, partners or shareholders. POTH is a vetted 501(c)(3) organization with both the IRS and the Washington Department of Revenue. It exists to further its nonprofit purpose, which it has done for the last 20+ years.

"[POTH] and its frequent paid tours generate and will continue to generate intrusions on the privacy of surrounding uses."

- As noted: POTH has far less traffic than one of the chief complainants, Mr. Kevin Welch. Mr. Welch has far more employees visiting his property on a daily basis and creates more noise with his property upkeep than any of POTH's activities.
- POTH does not generate "commercial traffic"; they have less than twenty people per day on any given day in a rural area.

"Never until the past four or five years have I felt unsafe walking in the forest lands right adjacent to our property…our neighbors [POTH] have been in the news with documentation of dogs being killed by their hybrid wolves."

- Oddly, Jenny Welch (wife of Kevin Welch) should know that POTH has been operating with its various rescued animals—including its wolfdog population—since 2001yet has "felt unsafe" in the last four or five years. There's no explanation as to why she suddenly felt "unsafe" in the last "four or five years" since POTH has been on the property and operating in the same manner since 2001.
- Ms. Welch cites to a "freelance writer Betsy Sikora Siino" in an unpublished "article".
- This kind of fearmongering is not based in any kind an accurate depiction of wolfdogs and is not a credible source.

"POTH is seeking to expand"

- There is no planned expansion—nowhere in the Special Use Permit application has POTH stated that it plans to expand operations. If anything, POTH has sought to reduce its population in recent years.

"It's a pay to play zoo where you can pay large sums of money to stay overnight"

- This is patently false. POTH is a wildlife sanctuary that provides educational tours in furtherance of its nonprofit purpose. There are **no overnight** accommodations, nor is POTH a "pay to play zoo".

Predators of the Heart

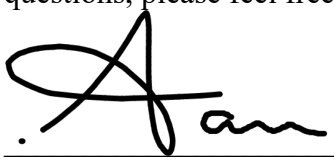
"Dedicated to wildlife education, conservation, rescue"

4709 Welch Lane, Anacortes, WA 98221

Email: admin@predatorsoftheheart.com Phone: (360)770-7479

POTH exists to provide sanctuary and to educate the public on the importance of these wonderful, glorious creatures. We continue to work closely with federal, state, and local authorities to house animals that would otherwise be euthanized and/or can no longer care for themselves. It is a joy and a privilege to care for these animals. If our Special Use Permit is denied, many, if not most of these animals will have to be euthanized.

Thank you for your consideration and working with us through the permitting process. If you have any more questions, please feel free to contact me.



Ashley Carr
President / Executive Director
Predators of the Heart
360-770-7479

EXHIBIT A

Pierce County
Sheriff's Department

Parkland/Spanaway Precinct
495 Shandon Wright Way South
Tacoma, Washington 98444

Rescue Placement Agreement

This agreement is signed and executed after an application has been completed and a successful site assessment has been conducted by Pierce County Animal Control.

It is hereby agreed between:

Predators of the Heart USDA # 91-C-0071 REP: Ashley Carr/Director

and Pierce County Animal Control, that interested in the attached list of animals be transferred to the rescue organization, effective **6/2/2022**, and that rescue organization will provide these animals:

- Rehabilitation, as directed by Pierce County Animal Control Officers.
- Adequate care.
- Placement into a permanent, high quality homes, whenever the animal is suitable for adoption

The rescue organization agrees to NEVER send any of the listed animals to public auction. If any of the listed animals become terminally ill or has a non-recoverable injury, the rescue agency agrees to humanely euthanize.

The Rescue organization acknowledges that these animals come from unknown origins and have been kept in substandard conditions. The animals may have special needs.

Pierce County reserves the right to inspect rescue organization premises and to view the listed animals. Pierce County will provide the rescue organization with adequate notice prior to such inspection. Animals may be repossessed by Pierce County and appropriate sanctions applied, if the rescue organization is found to be in violation of federal, state, or county laws pertaining to animal care.

Pierce County
Sheriff's Department

Parkland/Spanaway Precinct
495 Shandon Wright Way South
Tacoma, Washington 98444

We hereby agree to the terms of this agreement.

Signature [Rescue Organization's Director or Designee]

Ashley Carr

Printed Name

6/2/22

Date

Pierce County hereby releases its interest in the afore-mentioned animals and assigns this interest to the rescue organization named above

9201

Signature [AC Supervisor or Designee]

Brian Boman #9201 AC Supervisor

Printed Name

6/2/2022

Date

Pierce County
Sheriff's Department

Parkland/Spanaway Precinct
495 Shandon Wright Way South
Tacoma, Washington 98444

Animals Transferred to Rescue Organization

ID #	Name (AKA)	Description	Special Care Instructions
	Unknown	Citron Cockatoo	
	Unknown	Sulphur Crested Cockatoo	
	Unknown	Sulphur Crested Cockatoo	
	Unknown	Sulphur Crested Cockatoo	
	Unknown	Plum Head Parakeet	
	Unknown	Plum Head Parakeet	
	Unknown	Plum Head Parakeet	
	Unknown	Derbyan Parakeet	
	Unknown	Double Yellow Head Amazon	
	Unknown	Blue Fronted Amazon	

M E M O R A N D U M

To: Dave Coleburn, Owner/Founder, Predators of the Heart

From: Brian Boman, Animal Control Supervisor, Pierce County Animal Control

Date: 8/3/2019

Subject: **See attached Animal list**

This memorandum will serve as full release effective this date to the Predators of the Heart for the above referenced Animal impounded on 12/23/2019 and currently in your care. Pierce County has no further requirement that the animals be held for legal or investigatory purposes. The Animal Owner is not permitted to redeem the animals listed above. Further action regarding the above animals are at the discretion of Predators of the Heart!

Please feel free to contact me directly with questions, comments, or concerns.

Brian Boman
Animal Control Supervisor
Pierce County Animal Control

Rescue Designee Dave Coleburn Date: 8-31-2019

Pierce County Auditor's Office
Animal Services Division
2401 S 35th St, Room 200, Tacoma WA 98409-7414
Phone: 253-798-7006 | FAX: 253-798-7004

Animal list of birds released to Predators of the Heart

I am using the numbers assigned to the birds when Dr. Strunk assessed them.

#3 Sulphur Crested Cockatoo with left wing held slightly forward (Dr. Strunk recommends radiograph of the wing)

#23 Citron Crested Cockatoo (had a previous cloacal prolapse, will need to be monitored for possible continued vent irritation)

#24 Sulphur Crested Cockatoo (prior feather damaging behavior, per Dr. Strunk, feathers may never grow completely back)

#25 Sulphur Crested Cockatoo

#36 Military Macaw

#37 Military Macaw

#38 Military Macaw

#39 Military Macaw

ANIMAL SERVICES

CERTIFICATION OF TRANSFER

This is to certify that the following animals have been transferred to:

(Representative's Name) Dave Coleburn

(Facility Name) Predators of the Heart

(Facility Address) 6128 parkside Dr

Anacortes WA. 98222 phone 360-840-6164

ANIMALS TRANSFERRED:

Species/ Breed Savannah Monitor Lizard
Description

Species/Breed Male Coatimundis (MAX) 3yr
Description

Species/ Breed Female Coatimundis (Amillon) 3yrs
Description

Species/Breed Desert Tortoise (Roosevelt)
Description

Species/Breed
Description

Animal Services makes no representation regarding the health or behavior of these animals, either currently or in future.

The entity accepting transfer agrees: 1) To accept possession and title of the animals, and waive any claim against Animal Services now or in future of the health of the animals or for damages caused by these animals. 2) that the animal(s) will not be placed or returned to the previous owner, Gloria Gilbert, or to any of her partners or business associates . 3) to allow Animal Services first right of refusal if conditions change and the transferee is unable to keep or offer adequate care to the listed animals.

I Officer J. Belleville with the Shelton Police Department release one adult porcupine that was contained in the Shelton Animal Shelter yard located at 902 W pine St. Shelton Washington. To Mike Mesa with Predators of the Heart.

J.belleville #265

J. Belleville #265

Code Enforcement Office

Animal Control Officer

525 W Cota st.

Shelton Washington 98584

(360)426-4441

I Officer J. Belleville with the Shelton Police Department release four juvenile opossums that I rescued from their deceased mother on 07/24/2018 from the address of 1503 Ridge road located in Shelton Washington. To Mike Mesa with Predators of the Heart.

J.belleville #265



Code Enforcement Office

Animal Control Officer

525 W Cota st.

Shelton Washington 98584

(360)426-4441

ANIMAL SERVICES CERTIFICATION OF TRANSFER

3120 Martin Way E
Olympia, WA 98506
360-352-2510

This is to certify that the following animals have been transferred to:

Facility/Rescue Name PREDATORS Representative's Name _____

Facility Address _____
(address/city/state/zip)

Phone (_____) _____

ANIMALS TRANSFERRED:

#1) Intake ID: 117820 ☐ Dog ☐ Cat ☒ Other ANTEATER

Breed: _____ Animal's Name _____

☐ Male ☐ Female ☐ Altered Vaccines _____ date given _____

Color/Description: _____ Chip #: _____ Lot #: _____

#2) Intake ID: 117821-117823 ☐ Dog ☐ Cat ☒ Other HAIRY ARMADILLO

Breed: _____ Animal's Name _____

☐ Male ☐ Female ☐ Altered Vaccines _____ date given _____

Color/Description: _____ Chip #: _____ Lot #: _____

#3) Intake ID: 117824-117828 ☐ Dog ☐ Cat ☒ Other SPANISH RIBBED NEWT

Breed: _____ Animal's Name _____

☐ Male ☐ Female ☐ Altered Vaccines _____ date given _____

Color/Description: _____ Chip #: _____ Lot #: _____

Animal Services makes no representation regarding the health or behavior of these animals, either currently or in future.

The entity accepting transfer agrees: 1) to accept possession and title of the animals, and waive any claim against Animal Services now or in future of the health of the animals or for damages caused by these animals; 2) to allow Animal Services first right of refusal if conditions change and the transferee is unable to keep or offer adequate care to the listed animals; (3) to inform the adopter of the mandatory Washington State Rabies vaccine requirement for cats, dogs and ferrets as well as licensing requirements where applicable.

Signed: _____ 4-9-18
(for Rescue) (date)

Signed: _____ _____
(for Animal Services) (date)

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ANIMAL SERVICES CERTIFICATION OF TRANSFER

3120 Martin Way E
Olympia, WA 98506
360-352-2510

This is to certify that the following animals have been transferred to:

Facility/Rescue Name Predators of the North Representative's Name Mike

Facility Address _____
(address/city/state/zip)

Phone (_____)_____

ANIMALS TRANSFERRED:

#1) Intake ID: 17866-67 ☐ Dog ☐ Cat ☒ Other DUCK

Breed: _____ Animal's Name _____

☐ Male ☐ Female ☐ Altered Vaccines _____ date given _____

Color/Description: White Chip #: _____ Lot #: _____

#2) Intake ID: _____ ☐ Dog ☐ Cat ☐ Other _____

Breed: _____ Animal's Name _____

☐ Male ☐ Female ☐ Altered Vaccines _____ date given _____

Color/Description: _____ Chip #: _____ Lot #: _____

#3) Intake ID: _____ ☐ Dog ☐ Cat ☐ Other _____

Breed: _____ Animal's Name _____

☐ Male ☐ Female ☐ Altered Vaccines _____ date given _____

Color/Description: _____ Chip #: _____ Lot #: _____

Animal Services makes no representation regarding the health or behavior of these animals, either currently or in future.

The entity accepting transfer agrees: 1) to accept possession and title of the animals, and waive any claim against Animal Services now or in future of the health of the animals or for damages caused by these animals; 2) to allow Animal Services first right of refusal if conditions change and the transferee is unable to keep or offer adequate care to the listed animals; (3) to inform the adopter of the mandatory Washington State Rabies vaccine requirement for cats, dogs and ferrets as well as licensing requirements where applicable.

Signed: _____ 4-9-18
(for Rescue) (date)

Signed: _____ 4/4/18
(for Animal Services) (date)

\\terabyte\Common\Forms\transfercertificate.doc

ANIMAL SERVICES CERTIFICATION OF TRANSFER

3120 Martin Way E
Olympia, WA 98506
360-352-2510

This is to certify that the following animals have been transferred to:

Facility/Rescue Name Predators of the Heart Representative's Name Mike

Facility Address _____
(address/city/state/zip)

Phone (____) _____

ANIMALS TRANSFERRED:

#1) Intake ID: ~~17759-764~~ 17763 (17756-57) ☐ Dog ☐ Cat ☒ Other Sloth

Breed: _____ Animal's Name _____

☐ Male ☐ Female ☐ Altered Vaccines _____ date given _____

Color/Description: _____ Chip #: _____ Lot #: _____

#2) Intake ID: 17764 ☐ Dog ☐ Cat ☒ Other BEARDED LIZARD

Breed: _____ Animal's Name _____

☐ Male ☐ Female ☐ Altered Vaccines _____ date given _____

Color/Description: _____ Chip #: _____ Lot #: _____

#3) Intake ID: 17766 ☐ Dog ☐ Cat ☒ Other Elongated Tortoise

Breed: _____ Animal's Name _____

☐ Male ☐ Female ☐ Altered Vaccines _____ date given _____

Color/Description: _____ Chip #: _____ Lot #: _____

Animal Services makes no representation regarding the health or behavior of these animals, either currently or in future.

The entity accepting transfer agrees: 1) to accept possession and title of the animals, and waive any claim against Animal Services now or in future of the health of the animals or for damages caused by these animals; 2) to allow Animal Services first right of refusal if conditions change and the transferee is unable to keep or offer adequate care to the listed animals; (3) to inform the adopter of the mandatory Washington State Rabies vaccine requirement for cats, dogs and ferrets as well as licensing requirements where applicable.

Signed: _____ 4/9/18
(for Rescue) (date)

Signed: _____ 4/9/18
(for Animal Services) (date)

terabyter Common\Forms\transfercertificate.doc

CONTRACT TO *CONDITIONALLY* TRANSFER AN ANIMAL HELD FOR COURT EVIDENCE

It is understood and agreed between City of Lacey, as the designated administrative agent of the Joint Animal Services Commission, and PREDATORS OF THE HEART
The Rescue, that, subject to the terms and conditions of this contract, the Rescue shall have full authority and responsibility for ownership and control of (description of animal) 3 CAIMAN LIZARDS, VEILED CHAMELEON, RED TOED TORTOISE
Beginning at such time as the animal is placed in said Rescue's home until final determination by the Court.

The services to be performed by the Rescue pursuant to this agreement will be performed or rendered entirely at Rescue's own risk and the Rescue expressly agrees to hold harmless and indemnify City of Lacey and its contracting participants, officers, agents, and employees from any and all liability, loss or damage, including reasonable cost of defense that they may suffer as a result of claims, demands, actions or damages to any and all persons or property which result from the acts of the Rescue or the acts of the animal placed in the home of the Rescue pursuant to this contract.

The Rescue shall further maintain current public liability and property damage insurance in amounts and with companies acceptable to the City of Lacey. The limits of such coverage shall not be less than $100,000.00 single limit bodily injury and property damage per occurrence. A certificate of such insurance or a copy of such insurance policy shall be provided prior to the animal being placed in the Rescue's home. Coverage in the minimum amount set forth herein shall not be construed to relieve the Rescue from liability in excess of such coverage.

The Rescue further agrees to conform with all local ordinances affecting animals; to notify Animal Services if the animal is in need of any medical procedure, or before grooming if any removal of fur is deemed necessary; to surrender the animal to Animal Services if the court's decision directs that the animal be placed elsewhere; and to notify Animal Services immediately if the Rescue is not able to keep the animal.

Rescue's signature

Animal Services Staff Signature

N/A
Rescue's address

253-468-7183
Rescue's phone number
(fhcontract)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control numbers for this information collection are 0579-0036 and 0579-0093. The time required to complete this information collection is estimated to average .1 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

OMB APPROVED
0579-0036
0579-0093

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

RECORD OF ACQUISITION, DISPOSITION OR TRANSPORT OF ANIMALS

(Other Than Dogs and Cats)

☐ SALE ☒ EXCHANGE OR TRANSFER ☐ DONATION

This record is required by law (7 U.S.C. 2131-2156). (9 CFR, Subchapter A, Parts 1, 2, and 3). Failure to maintain this record can result in a suspension or revocation of license and/or imprisonment for not more than 1 year, or a fine of not more than $1,000, or both.

INSTRUCTIONS: Complete applicable items 1 through 13. Original and one copy to accompany animals. When delivery is made – Items 14 through 20 must be completed by Buyer (*Receiver*) and copy one returned to Dealer (*Seller or Donor*). Copy two to be retained by Dealer (*Seller or Donor*). Attach Continuation Sheet (*APHIS Form 7020A*), as needed.

1. INVOICE NUMBER

2. PAGE

3. DATE OF DISPOSITION: 5/8/21

4. DEALER'S LICENSE NUMBER: NAS Whidbey

5. SELLER OR DONOR (*Name and Address, include ZIP Code*)

NAS Whidbey
X [signature] ABH² EVANGELISTA
Skunk Came in on Plane

6. BUYER OR RECEIVER (*Name and Address, include ZIP Code*)

Predators of the Heart
4709 welch lane
Anacortes WA 98221

7. USDA LICENSE NUMBER (*If any*): 91-C-0071

8. IDENTIFICATION OF ANIMALS BEING DELIVERED

A. CONTAINER TAG NUMBER, CRATE OR PEN NUMBER	B. NUMBER ANIMALS	C. PREVIOUS INVOICE NUMBER (*if any*)	D. INDIVIDUAL IDENTIFICATION TATTOOS, TAG NUMBERS (*if applicable*)	E. SPECIES	AGE - SEX F. NUMBER YOUNG M	F	AGE - SEX G. NUMBER ADULT M	F	H. EST. WEIGHT (*lbs.*)	I. REMARKS (*Condition, etc.*)	RECEIVER'S USE J.	K.
(1)	(1)		Black/White	Skunk	M	F	M	F	2lbs	TBO	~~Quart~~ quart	
					M	F	M	F				
					M	F	M	F				
					M	F	M	F				
					M	F	M	F				
					M	F	M	F				
					M	F	M	F				
					M	F	M	F				
					M	F	M	F				
					M	F	M	F				
					M	F	M	F				
					M	F	M	F				

DELIVERY BY COMMERCIAL CARRIER

9. DELIVERY BY (*"X" one*)
☐ Buyer's Truck ☐ Dealer's Truck (*Seller or Donor*)

10. TRUCK LICENSE NUMBER

11. BILL OF LADING NUMBER

12. NAME AND ADDRESS OF COMPANY OR FIRM (*Include ZIP Code*)
NAS Whidbey

13. NAME AND ADDRESS OF TRUCK DRIVER (*Include ZIP Code*)
POTH

DELIVERY RECEIPT – TO BE COMPLETED BY BUYER OR RECEIVER

14. ANIMALS DELIVERY WERE (*"X" one*)
☑ IN APPARENT GOOD CONDITION ☐ POOR CONDITION ☐ REJECTED (*Attach explanation for rejection*)

15. TOTAL NUMBER RECEIVED: (1)

16. NUMBER DEAD: —

17. NUMBER ALIVE: (1)

18. BY (*Signature*): [signature]

19. TITLE: President

20. DATE: 5/8/21

APHIS FORM 7020
JUL 2012

EXHIBIT B

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 0 8 2002

PREDATORS OF THE HEART
6128 PARKSIDE DR
ANACORTES, WA 98221

Employer Identification Number:
91-1951095
DLN:
17053233041041
Contact Person:
HENRY F SHAMBURGER ID# 31472
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Form 990 Required:
Yes
Addendum Applies:
No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of $100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, if you are involved in an excess benefit transaction, that transaction might be subject to the excise taxes of section 4958. Additionally, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the

part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than $25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally $25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of $20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed $10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding $1,000,000 in any year, the penalty is $100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding $1,000,000 shall not exceed $50,000. This penalty may also be charged if a return is not complete, so be sure your return is complete before you file it.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

PREDATORS OF THE HEART

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

Steven T. Miller
Director, Exempt Organizations

EXHIBIT C

United States Department of Agriculture
Animal and Plant Health Inspection Service

DFORBES
INS-0000807162

Inspection Report

PREDATORS OF THE HEART
6128 PARKSIDE DRIVE
ANACORTES, WA 98221

Customer ID: **8612**
Certificate: **91-C-0071**
Site: 001
PREDATORS OF THE HEART

Type: RE-LICENSE INSPECTION
Date: 29-JUL-2022

No non-compliant items were identified during this Re-License inspection.

This is a 2nd Re-License Inspection for a Class "C" license. The inspection and exit briefing were conducted with the applicant. The applicant is ready to be licensed under the AWA.

A copy of your license will be sent to you without any additional action on your part. If you have not received your license within 30 days, please contact the USDA at 970-494-7478.

Prepared By: DIANE FORBES
USDA, APHIS, Animal Care
Date: 03-AUG-2022

Title: VETERINARY MEDICAL OFFICER

Received by Title: Applicant
Date: 03-AUG-2022

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 8612
Inspection Date: 29-Jul-2022

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
8612	91-C-0071	001	PREDATORS OF THE HEART	29-JUL-2022

Count	Scientific Name	Common Name
000002	*Callithrix pygmaea*	PYGMY MARMOSET
000003	*Puma concolor*	PUMA / MOUNTAIN LION / COUGAR
000001	*Erethizon dorsatum*	NORTH AMERICAN PORCUPINE
000001	*Myrmecophaga tridactyla*	GIANT ANTEATER
000001	*Chaetophractus nationi*	BOLIVIAN HAIRY ARMADILLO
000002	*Choloepus hoffmanni*	HOFFMANN'S TWO-TOED SLOTH
000002	*Potos flavus*	KINKAJOU
000001	*Mephitis mephitis*	STRIPED SKUNK
000001	*Nasua nasua*	SOUTH AMERICAN COATI
000015	*Canis lupus X C. l. familiaris*	WOLF/DOG HYBRID
000004	*Procyon lotor*	RACCOON
000001	*Mephitis macroura*	HOODED SKUNK
000001	*Lynx rufus*	BOBCAT
000002	*Capra hircus*	DOMESTIC GOAT
000001	*Oryctolagus cuniculus*	DOMESTIC RABBIT / EUROPEAN RABBIT
000038	**Total**	

United States Department of Agriculture
Animal and Plant Health Inspection Service

DFORBES
INS-0000812409

Inspection Report

PREDATORS OF THE HEART
6128 PARKSIDE DRIVE
ANACORTES, WA 98221

Customer ID: **8612**
Certificate: **91-C-0071**
Site: 001
PREDATORS OF THE HEART

Type: ROUTINE INSPECTION
Date: 25-AUG-2022

No non-compliant items identified during this inspection.

This inspection and exit interview were conducted with the facility representative.

Prepared By: DIANE FORBES
USDA, APHIS, Animal Care

Date: 29-AUG-2022

Title: VETERINARY MEDICAL OFFICER

Received by Title: Facility Representative

Date: 29-AUG-2022

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 8612
Inspection Date: 25-Aug-2022

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
8612	91-C-0071	001	PREDATORS OF THE HEART	25-AUG-2022

Count	Scientific Name	Common Name
000001	*Oryctolagus cuniculus*	DOMESTIC RABBIT / EUROPEAN RABBIT
000002	*Capra hircus*	DOMESTIC GOAT
000002	*Callithrix pygmaea*	PYGMY MARMOSET
000003	*Puma concolor*	PUMA / MOUNTAIN LION / COUGAR
000001	*Erethizon dorsatum*	NORTH AMERICAN PORCUPINE
000001	*Myrmecophaga tridactyla*	GIANT ANTEATER
000001	*Chaetophractus nationi*	BOLIVIAN HAIRY ARMADILLO
000002	*Choloepus hoffmanni*	HOFFMANN'S TWO-TOED SLOTH
000002	*Potos flavus*	KINKAJOU
000001	*Mephitis mephitis*	STRIPED SKUNK
000001	*Nasua nasua*	SOUTH AMERICAN COATI
000015	*Canis lupus X C. l. familiaris*	WOLF/DOG HYBRID
000004	*Procyon lotor*	RACCOON
000001	*Mephitis macroura*	HOODED SKUNK
000001	*Lynx rufus*	BOBCAT
000038	**Total**	

EXHIBIT D

To whom to may concern,

My family and I had the absolute privilege of being treated to a day at Predators of The Heart by Ashley and Holly. My oldest daughter, who has since passed away, had terminal brain cancer and not long to live. These woman put together an unforgettable day for Addie and memories for our family that we will never forget. They gave her gifts and took so many pictures so that we could just enjoy the day. They made sure that everyone had the best experience.

I cannot begin to tell you what this place means to my family and I. It will always be a place we can go visit and remember Addie's smile as she saw all the animals and was able to learn about them and love on them. Addie loved animals and dreamed of being a vet so POH was truly a life fulfilling experience for her. Ashley has offered to plant a tree in honor of Addie with a plaque describing our daughter. We are currently in the works with the design. This would make this place even more special to us.

During our day visit there, Ashley and Holly both spent special attention on Addie making sure she could ask any questions and hold the animals. The highlight of Addie's day was howling with the wolves. If she could've been a wolf, she would've. That girls eyes sparkled like never before while she was howling with the wolves.

Ashley and Holly have both gone above and beyond just that day. They have continued to be support for us and show us what a strong community means. I cannot stress enough how much they mean to us, how much they did for us and how much I know they will continue to do for families like ours. Please know that they have made a huge, positive impact on our entire family.

Thank you for you time,

Courtney Bourasaw
360-548-9700

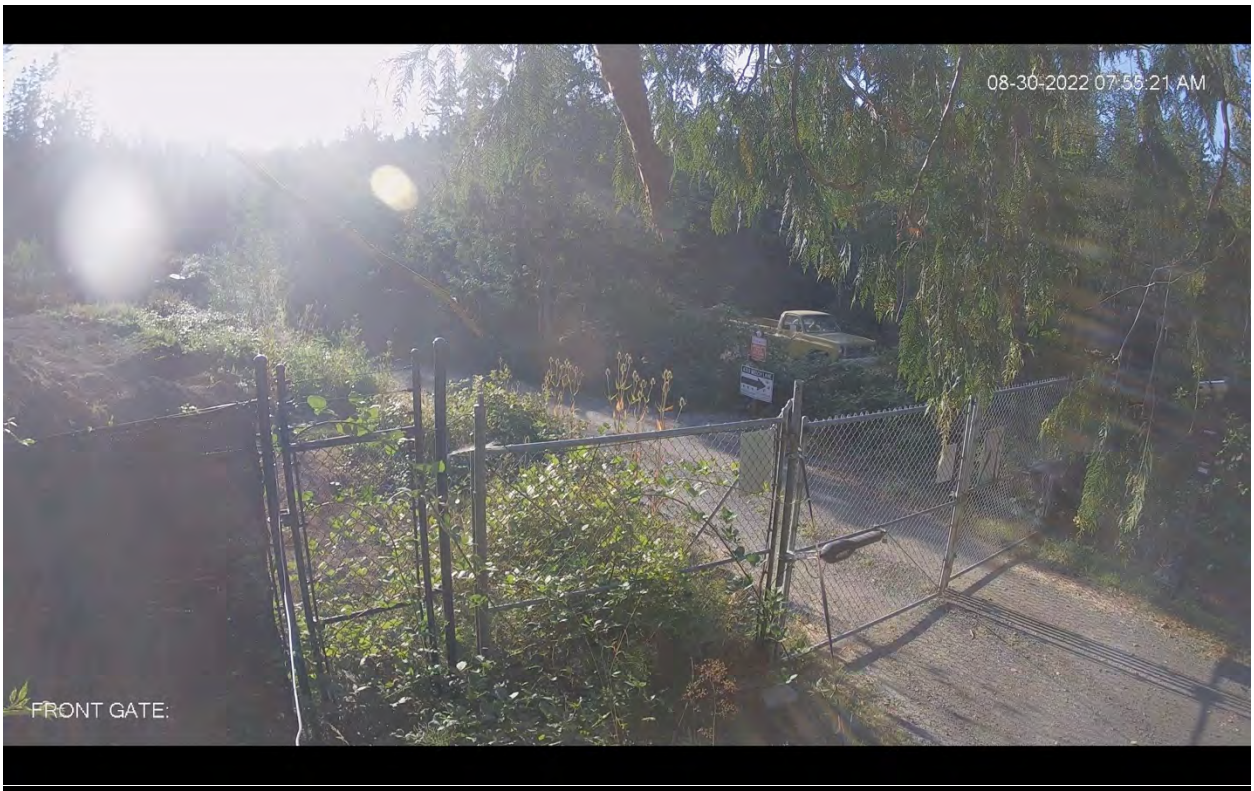
To whom it may concern,

A year ago I got to meet the wolves at Predators of the Heart. This was a special circumstance as my daughter Addie had terminal brain cancer. That was a dream come true for Addie. Ashley invited us to come spend the day and made Addie feel like she was part of the family. Not only did she make her feel like it but we became part of it. Ashley helped Addie fulfill one of her biggest dreams and that was to meet a real wolf. Addie is no longer with us and after her passing we decided to plant a tree in her honor. We thought of the one place Addie would want that the to grow and that is Predators of the Heart. That place holds a memory of Addie that will never be forgotten. The joy and excitement on Addie's face when she became a wolf and howled with the pack will always be close to my heart. The love and care we got from the pack at Predators of the Heart will always be cherished. A piece of my little girl will always be part of the pack.

Yours sincerely,
Ben Bourasaw

"Wherever we go in the mountains, we find more than we seek." John Muir

EXHIBIT E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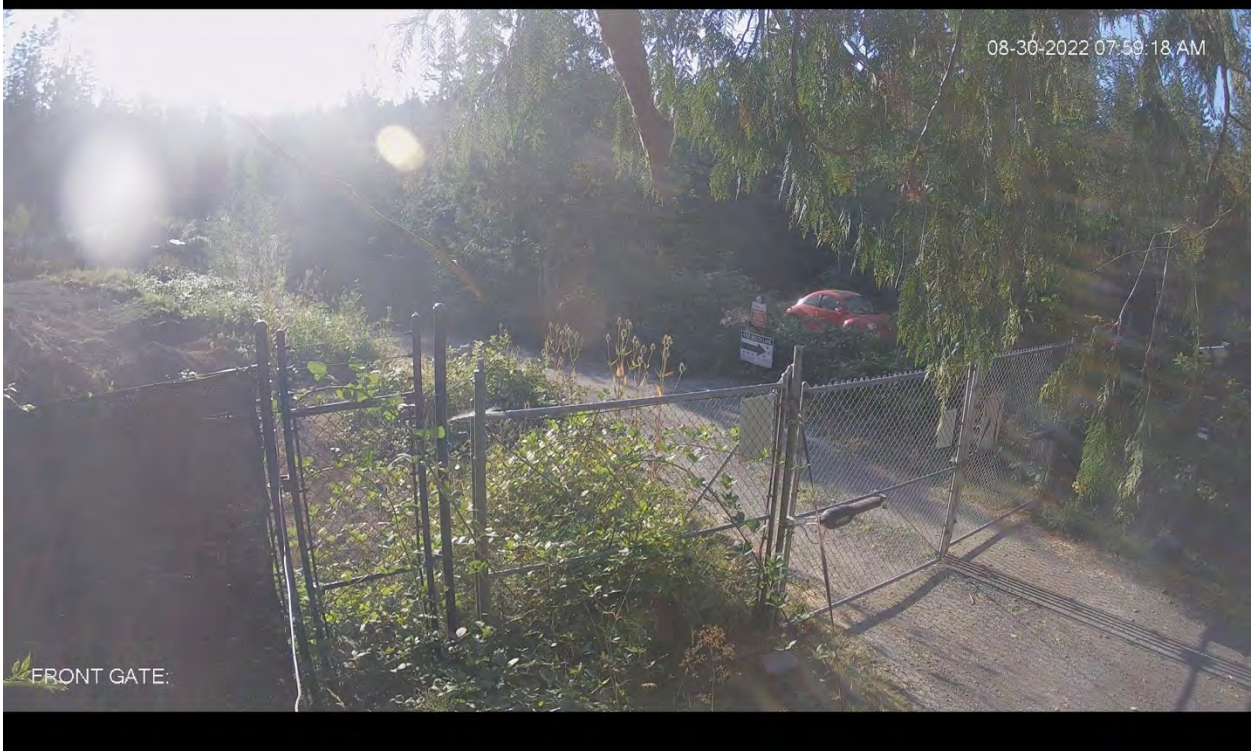
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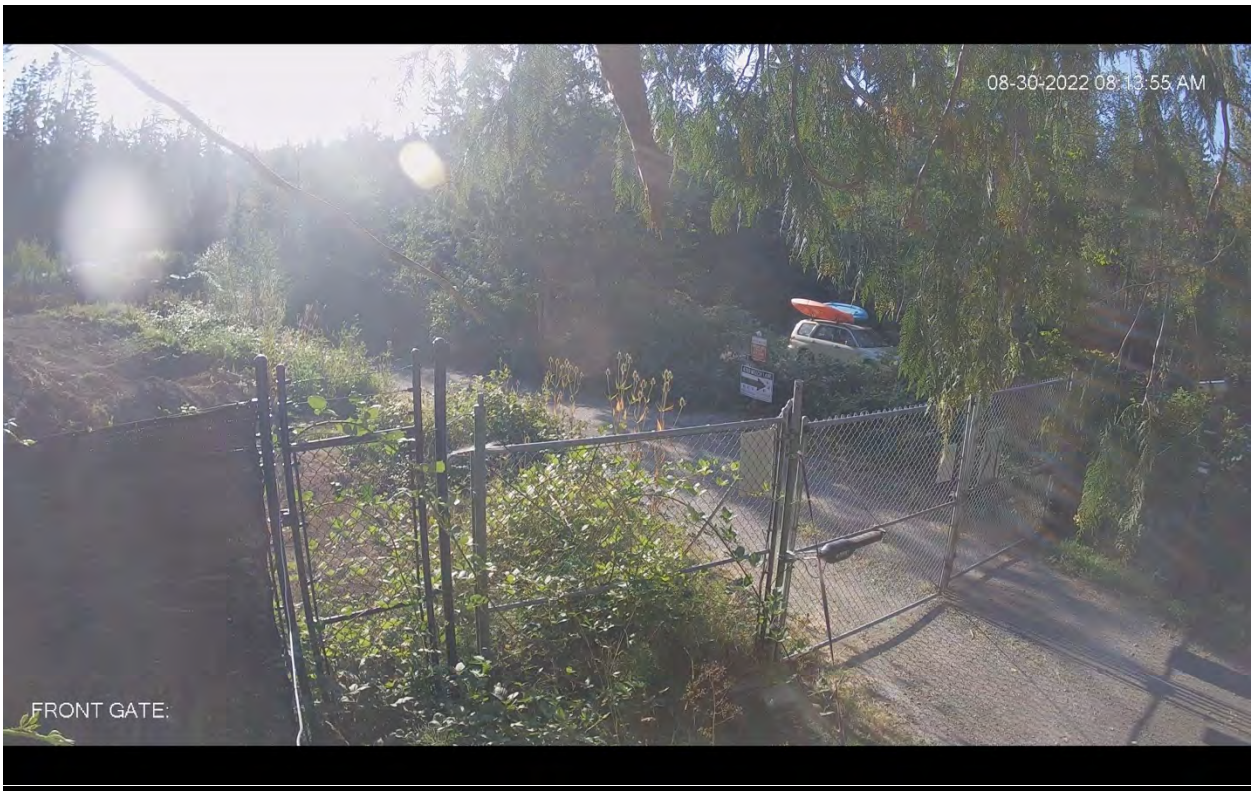
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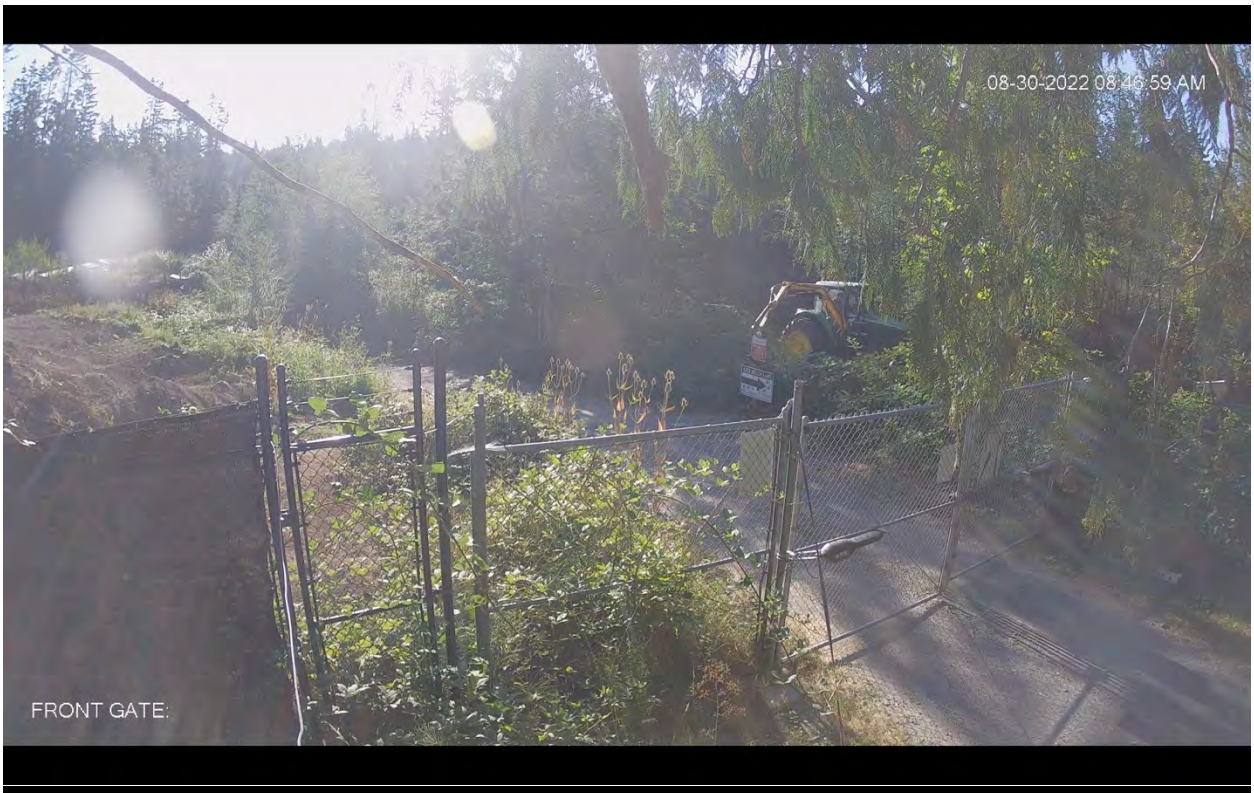
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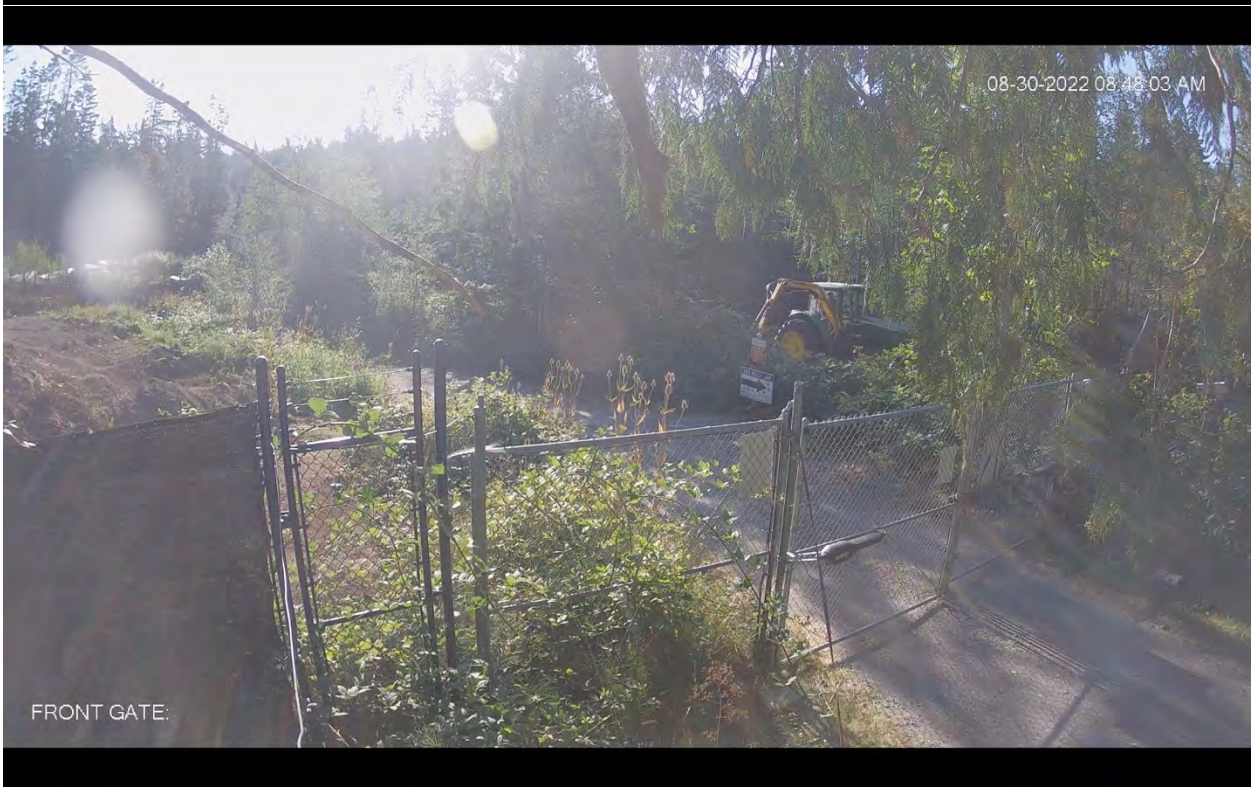
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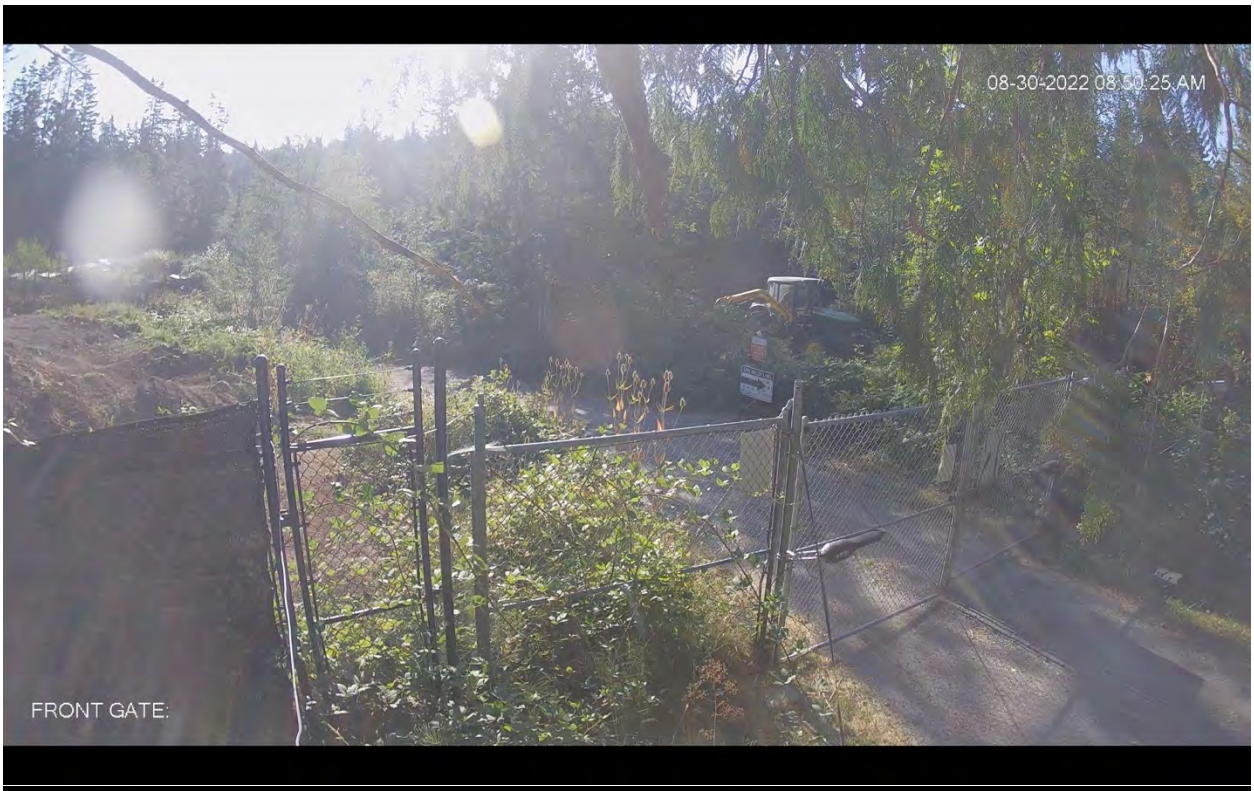
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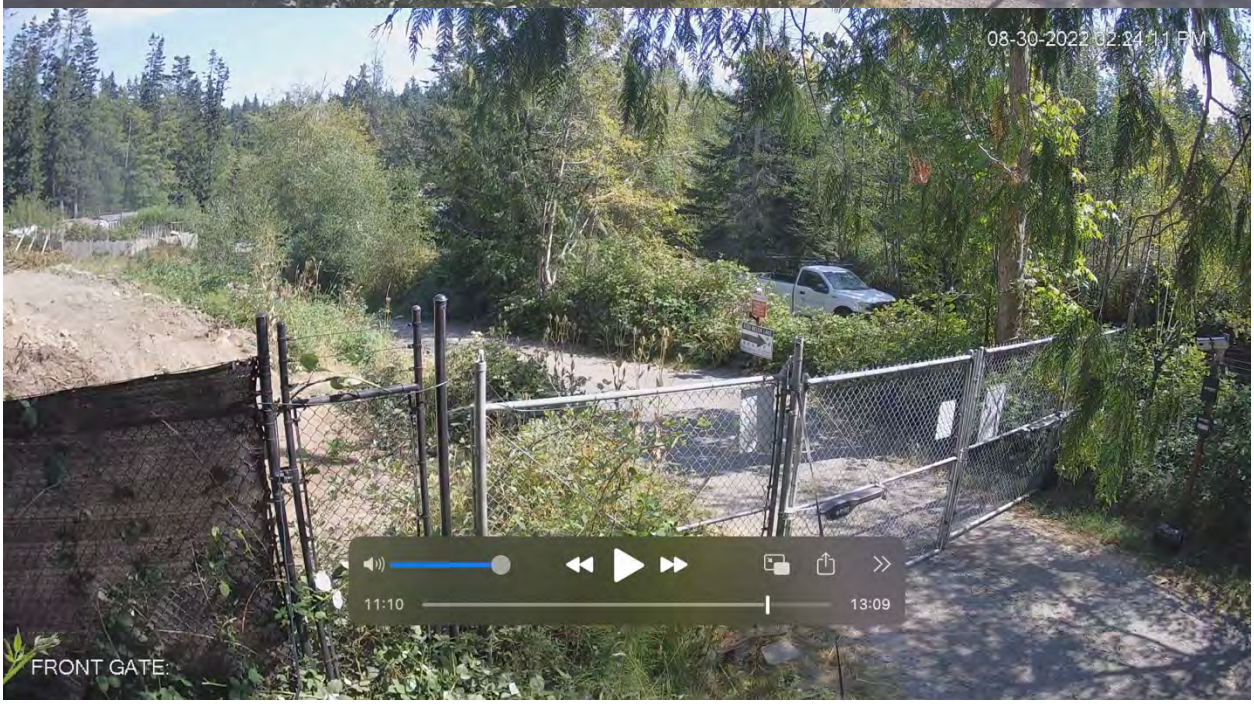
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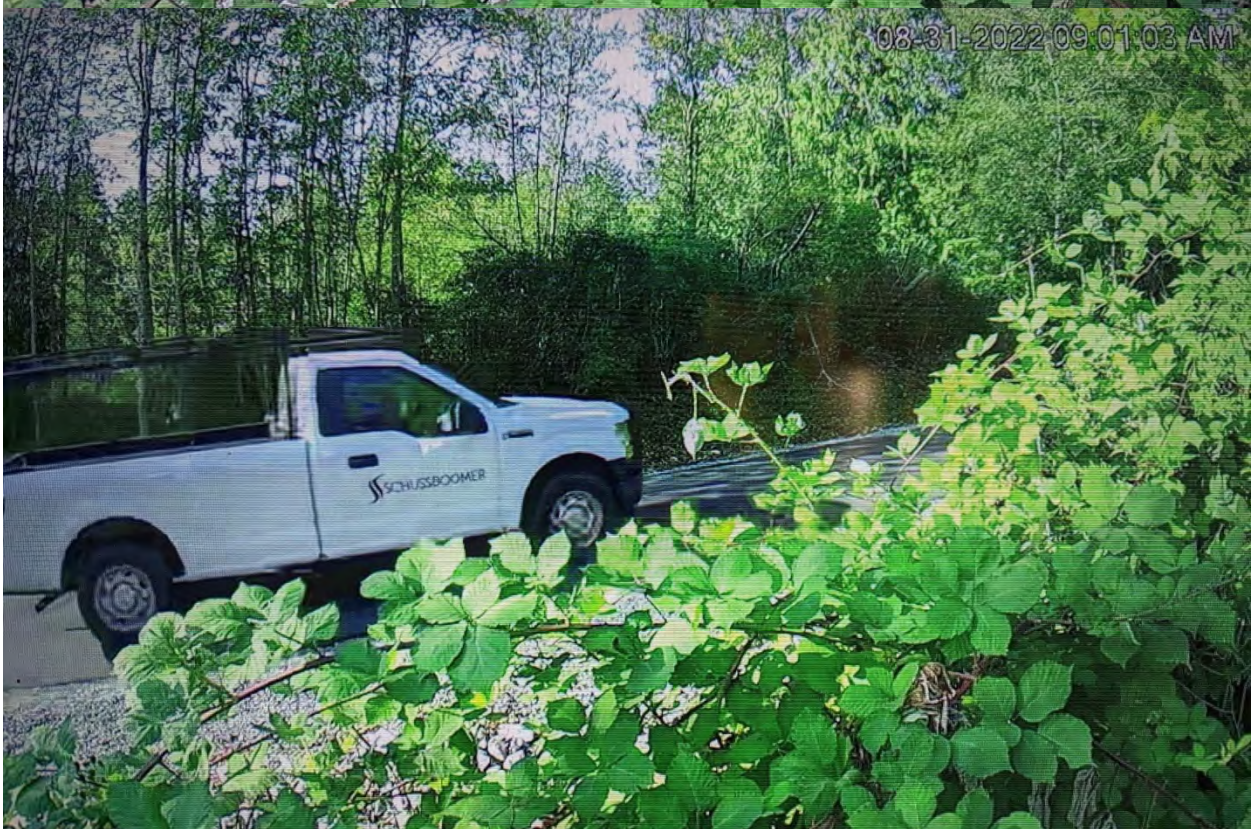
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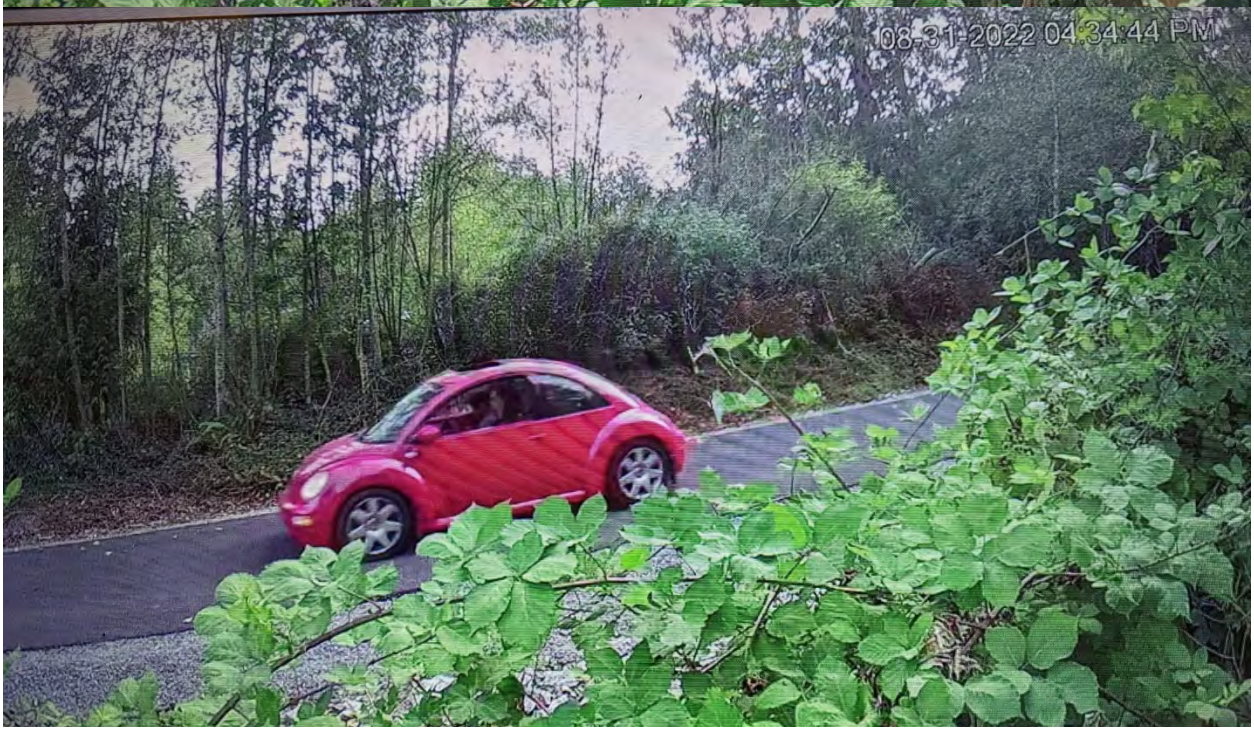
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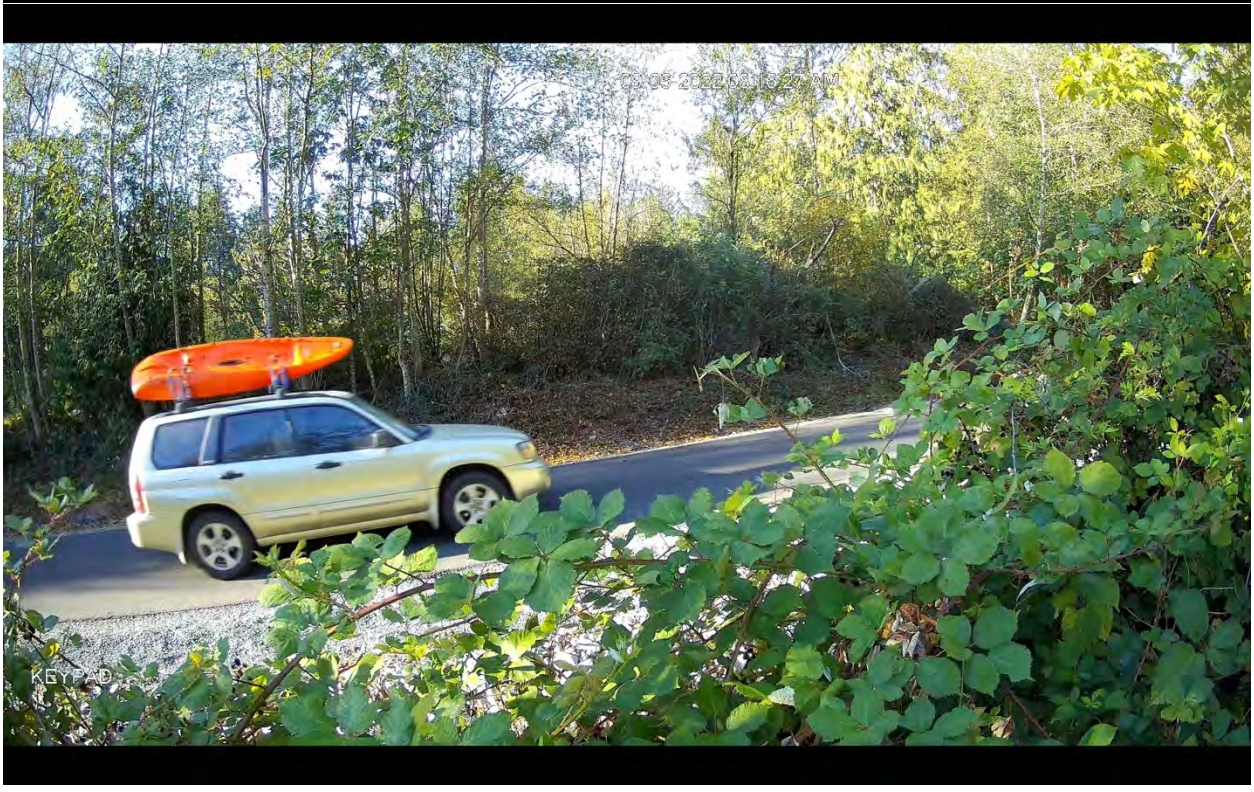
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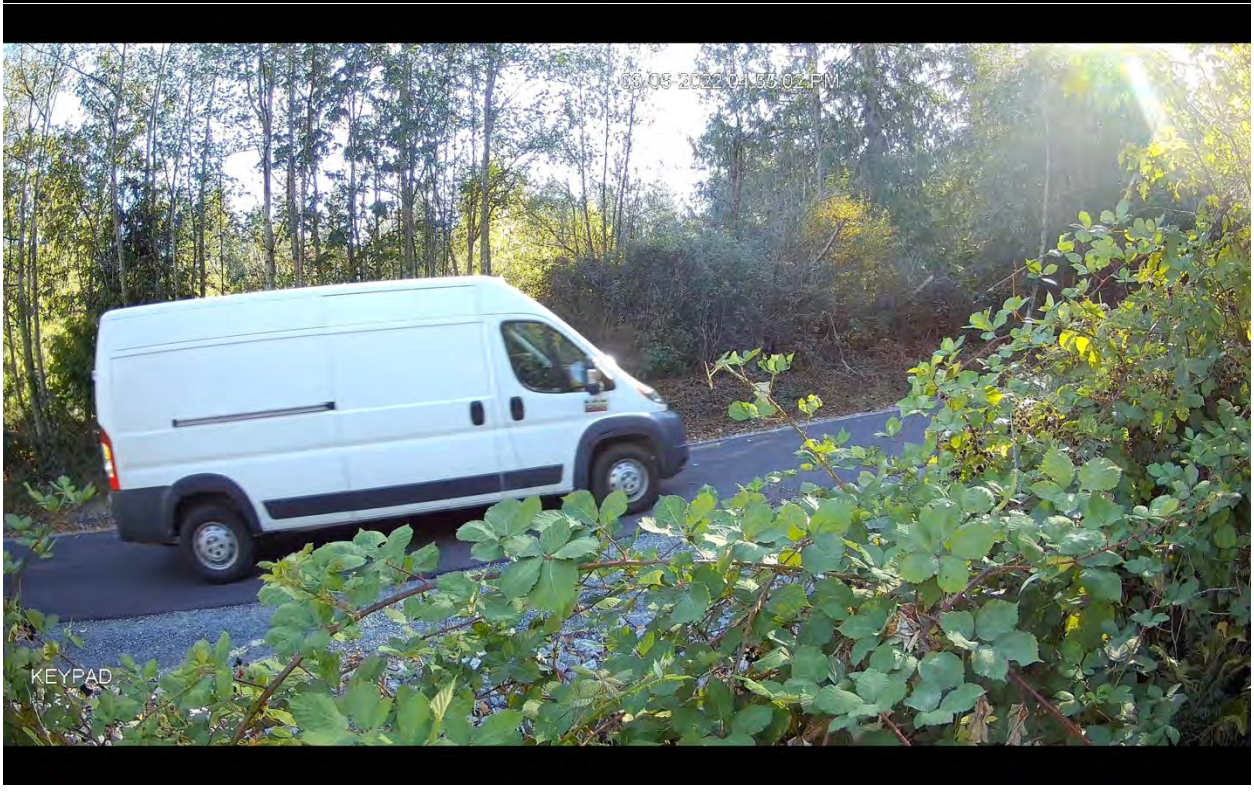
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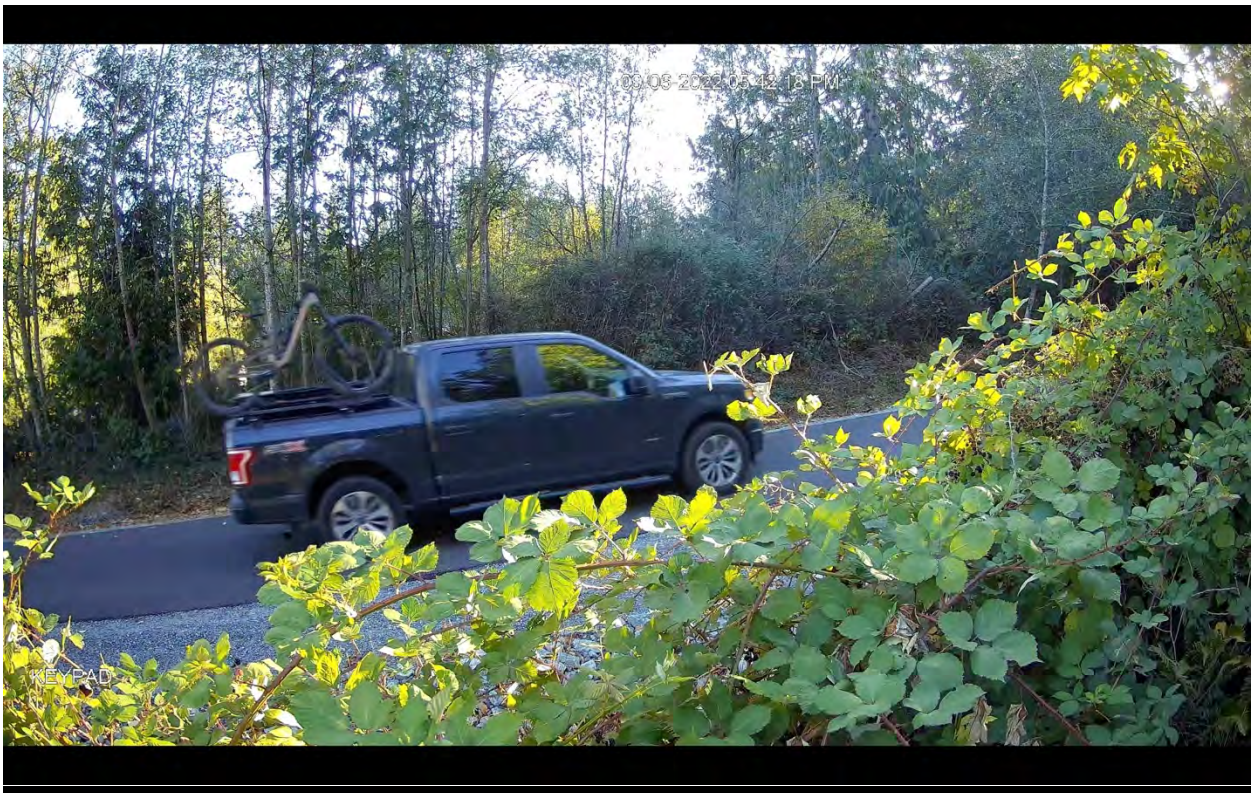
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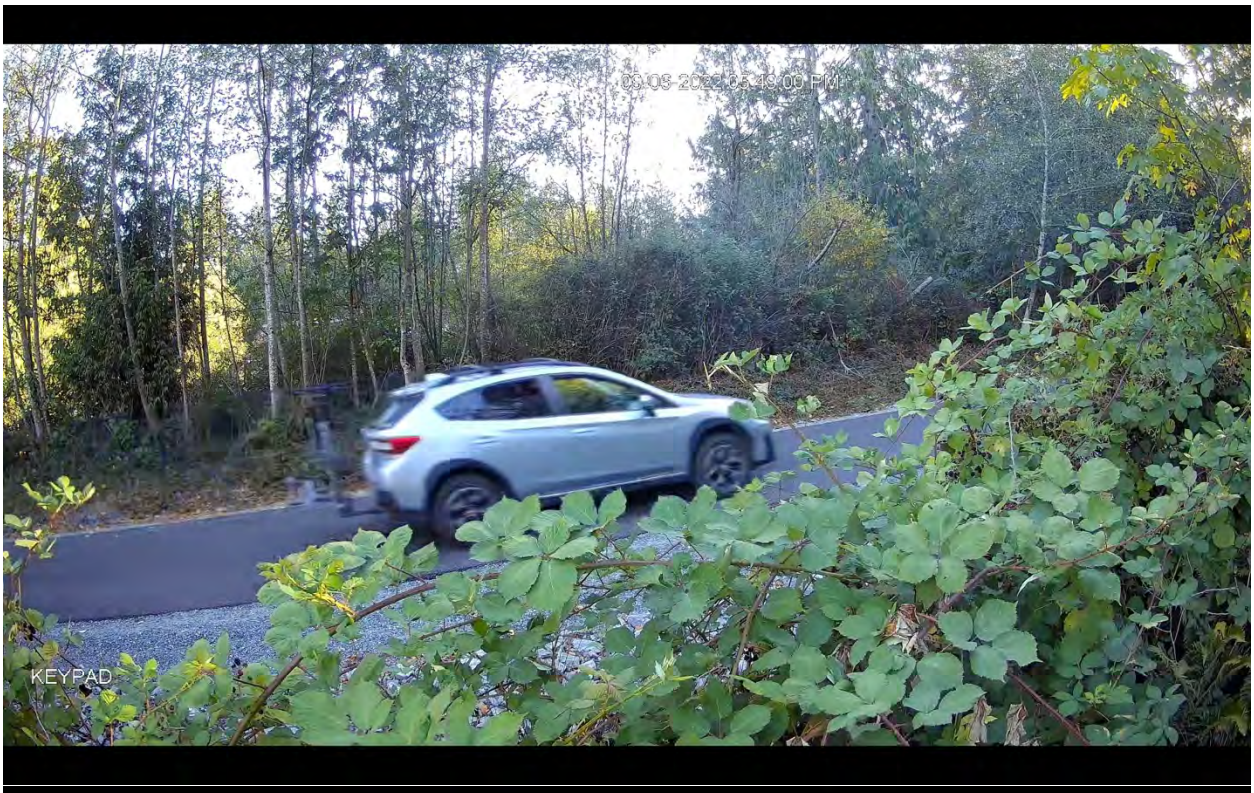
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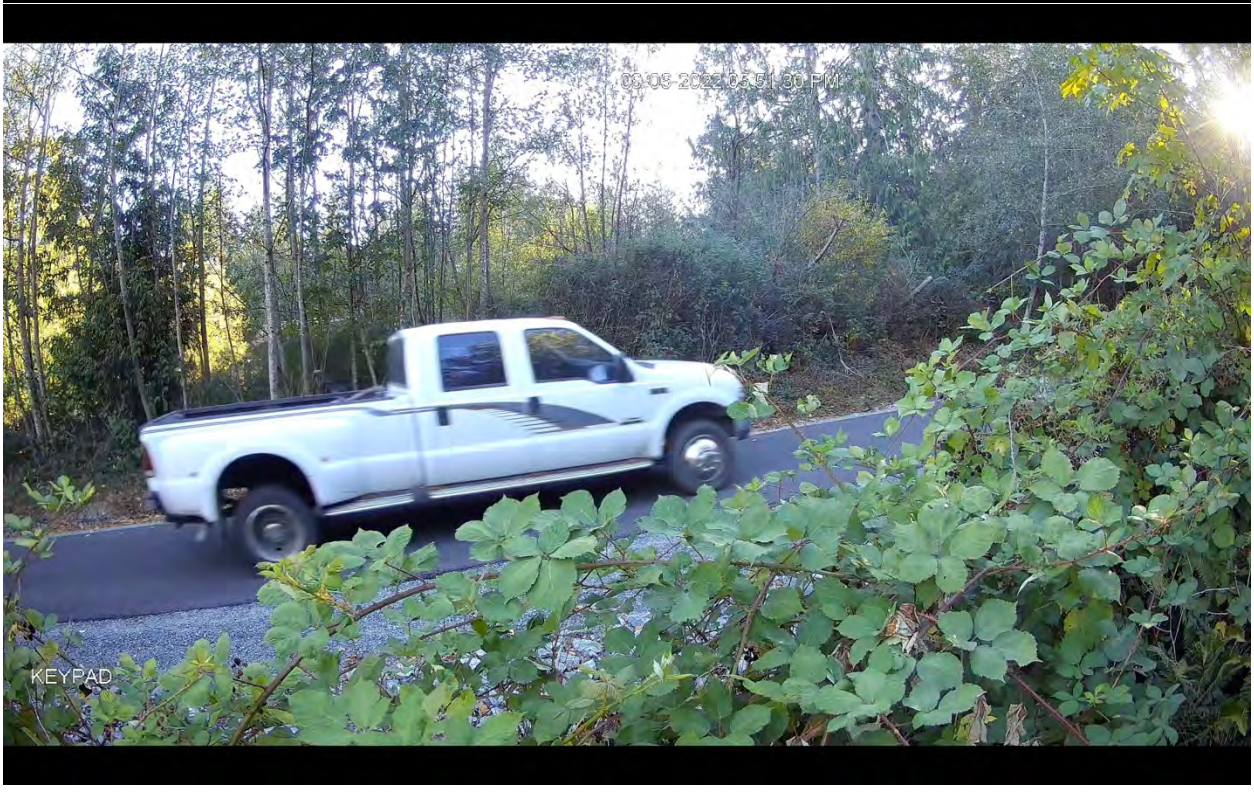
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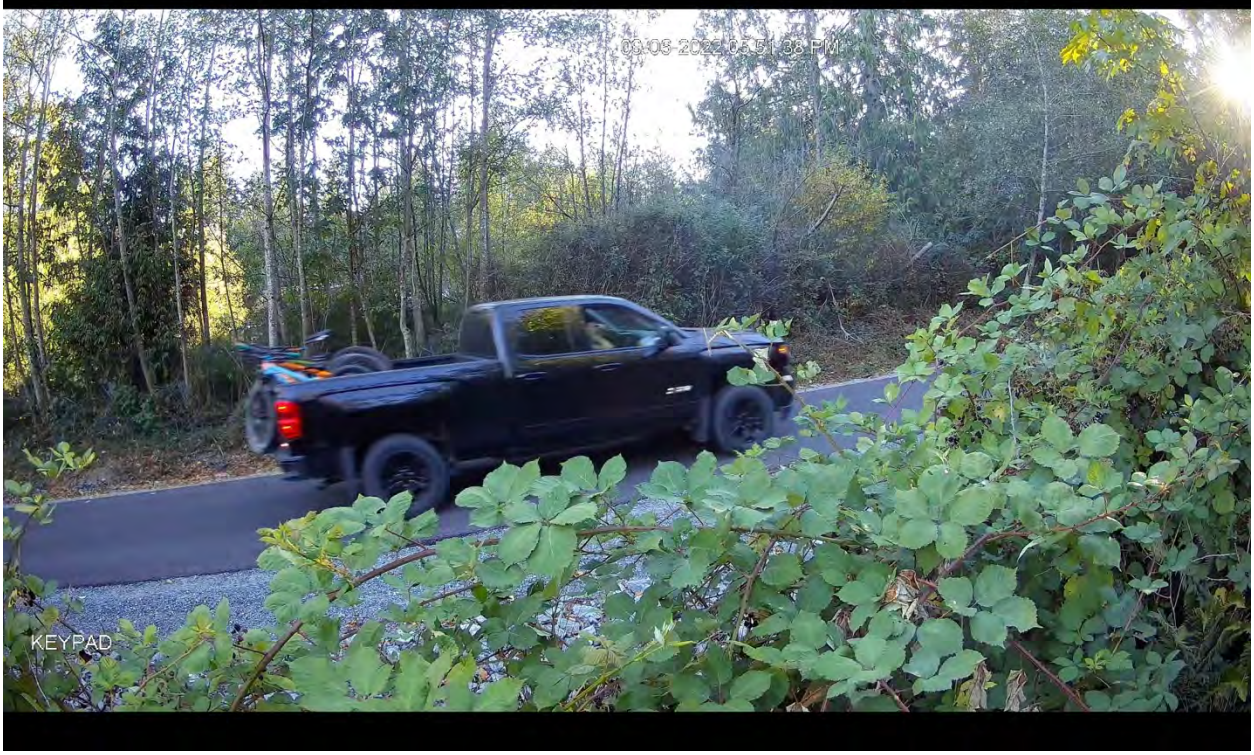
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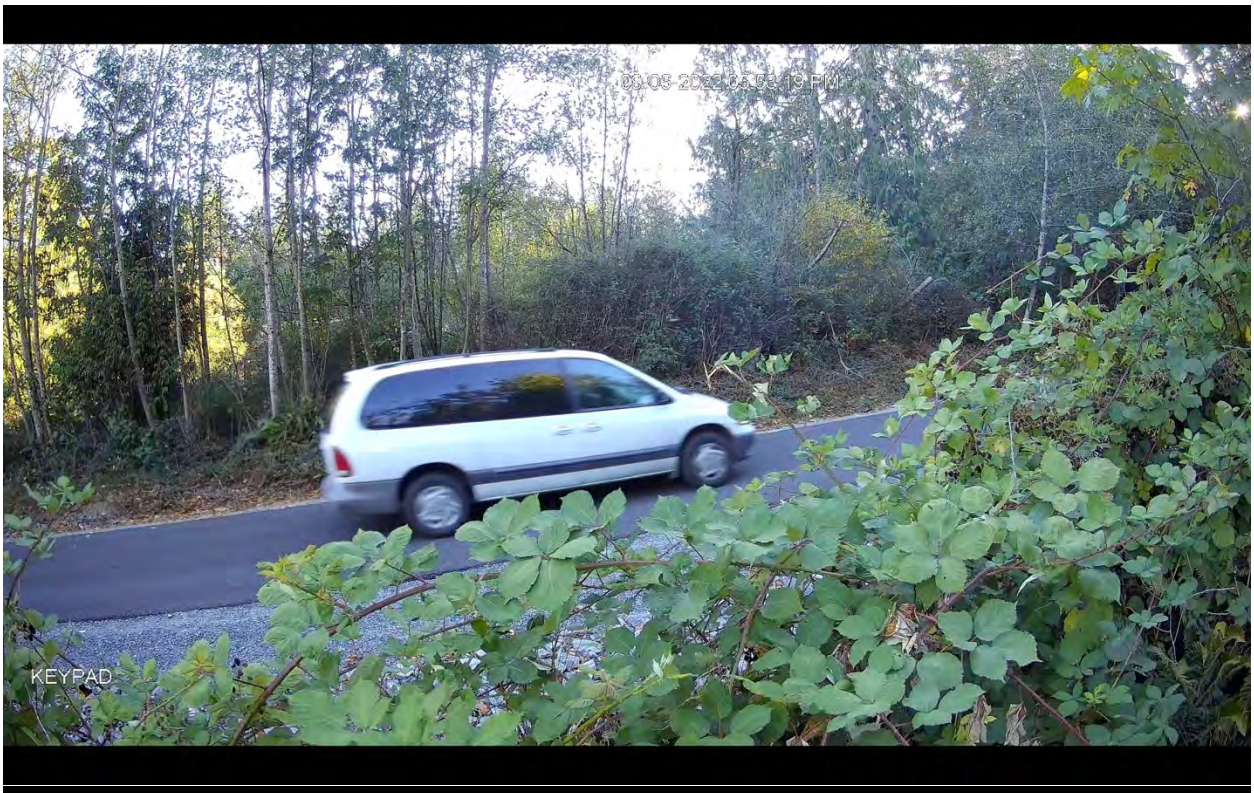
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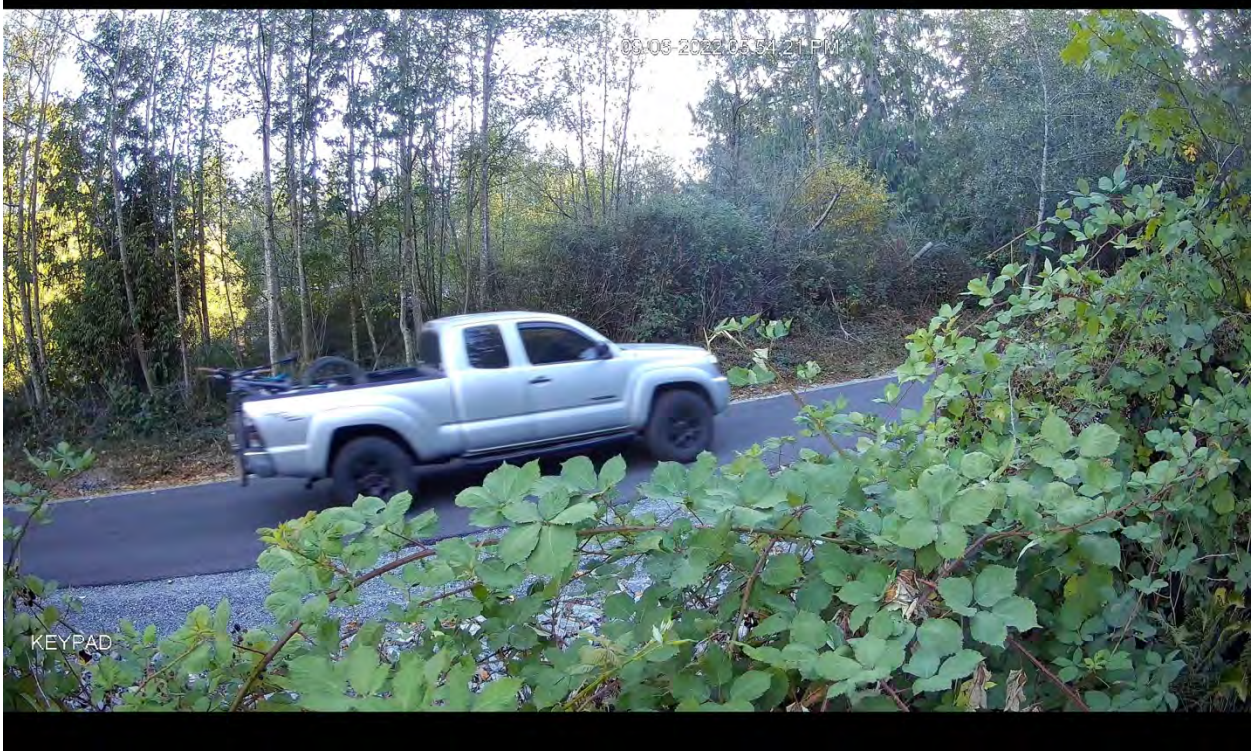
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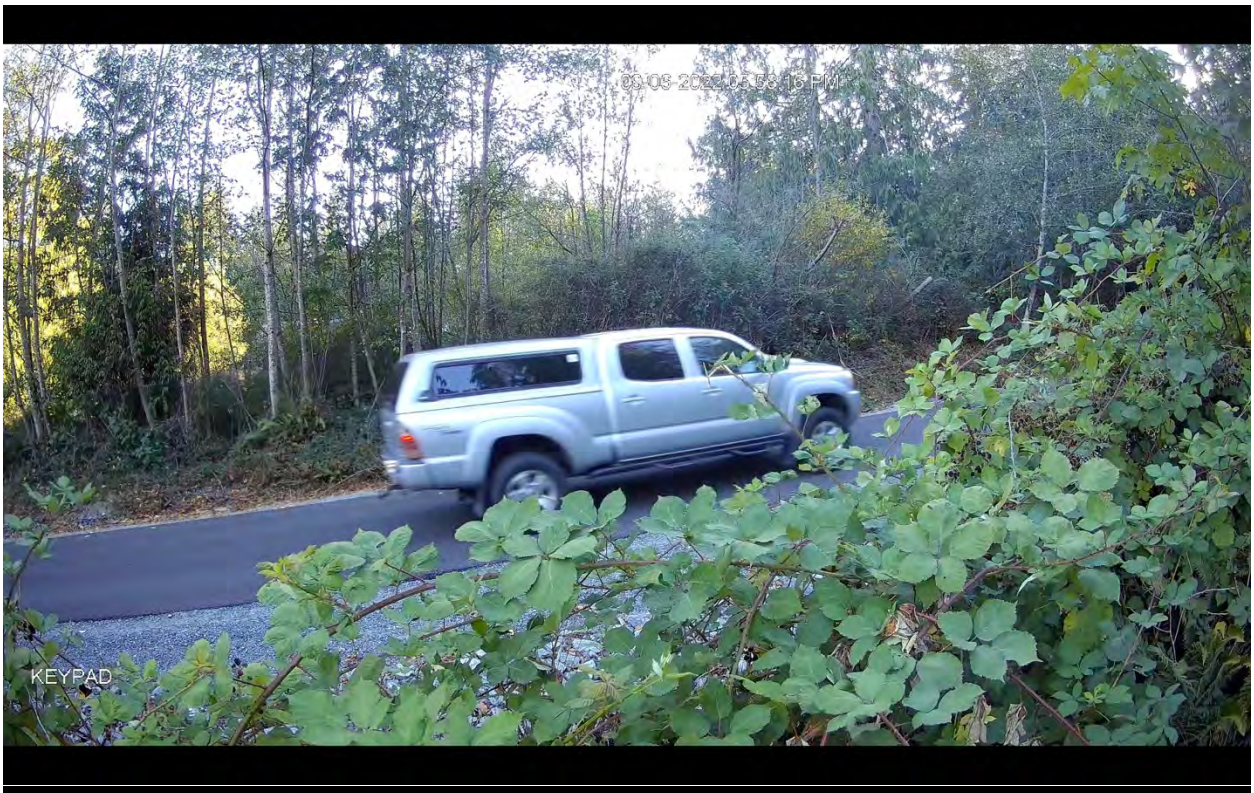
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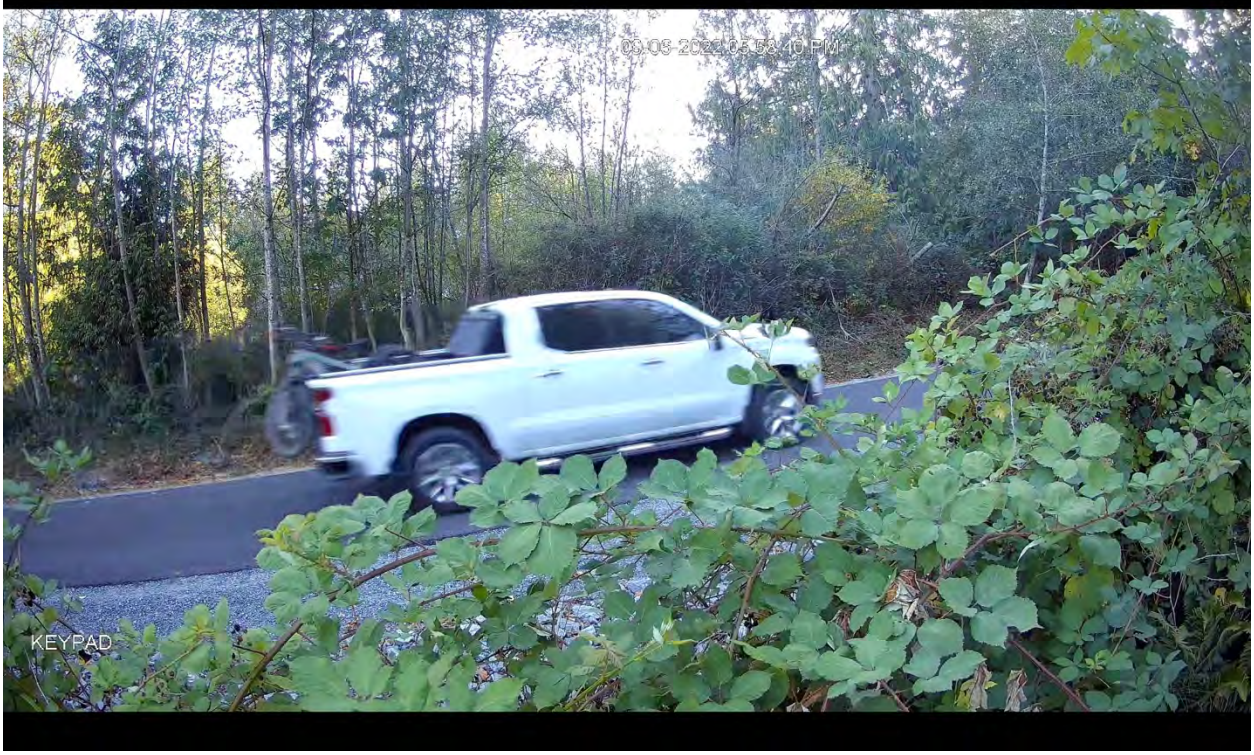
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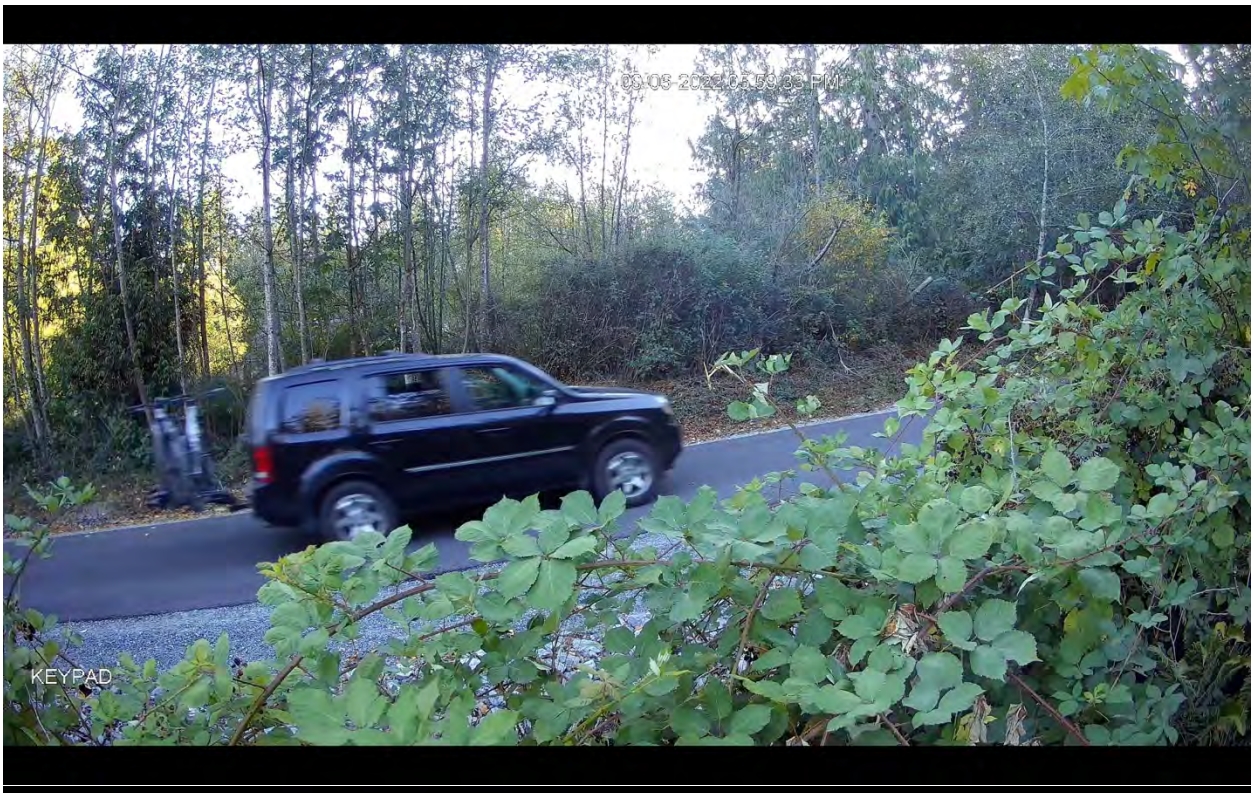
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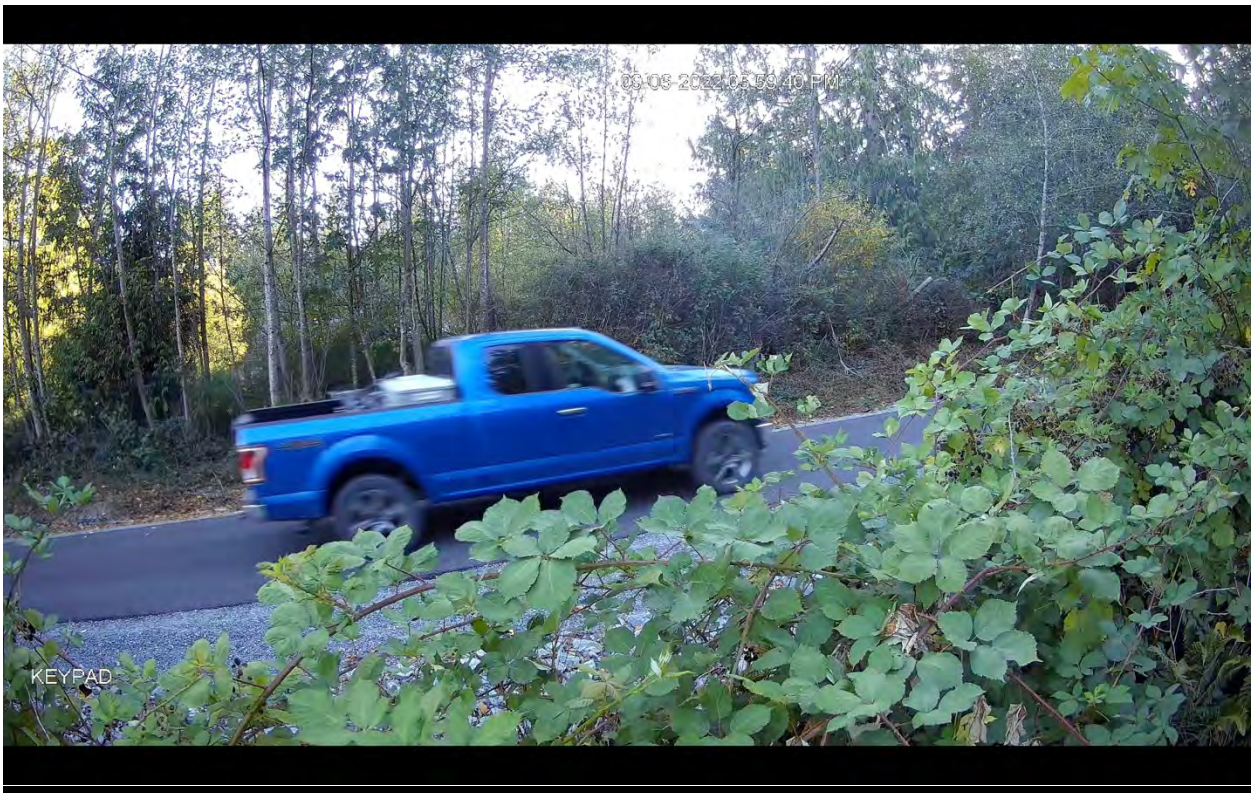
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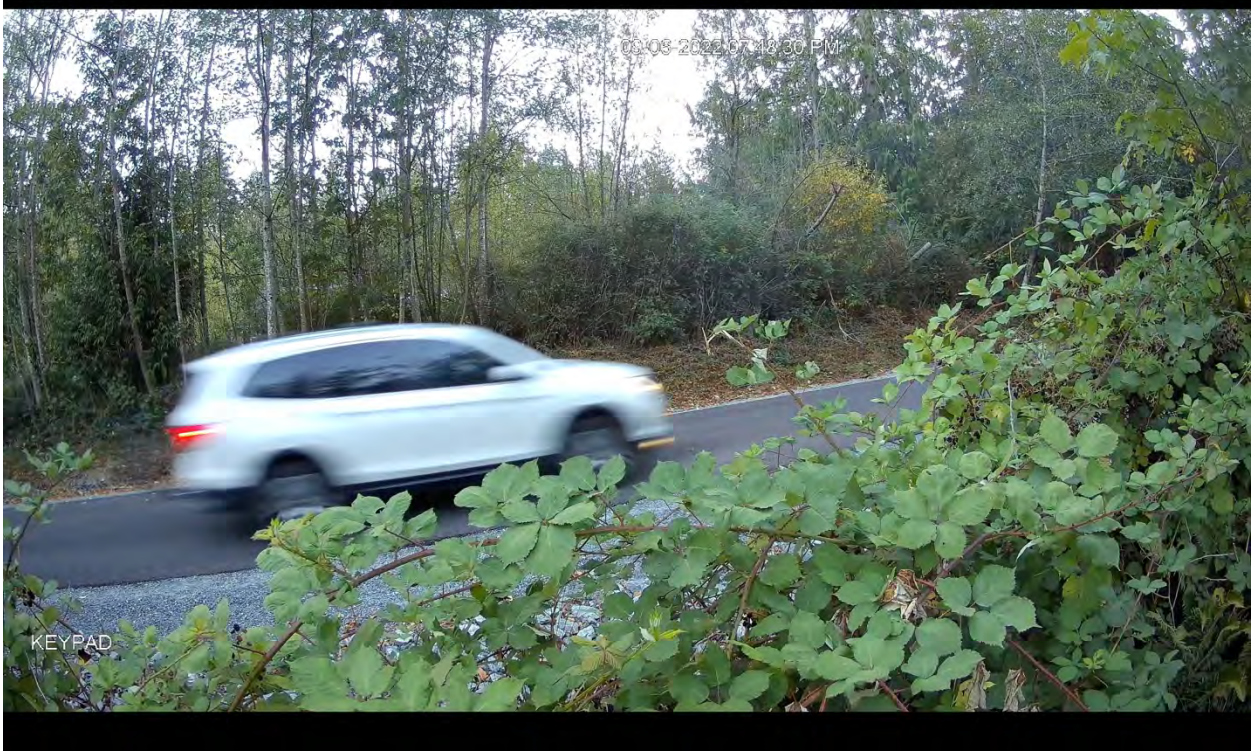
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EXHIBIT F


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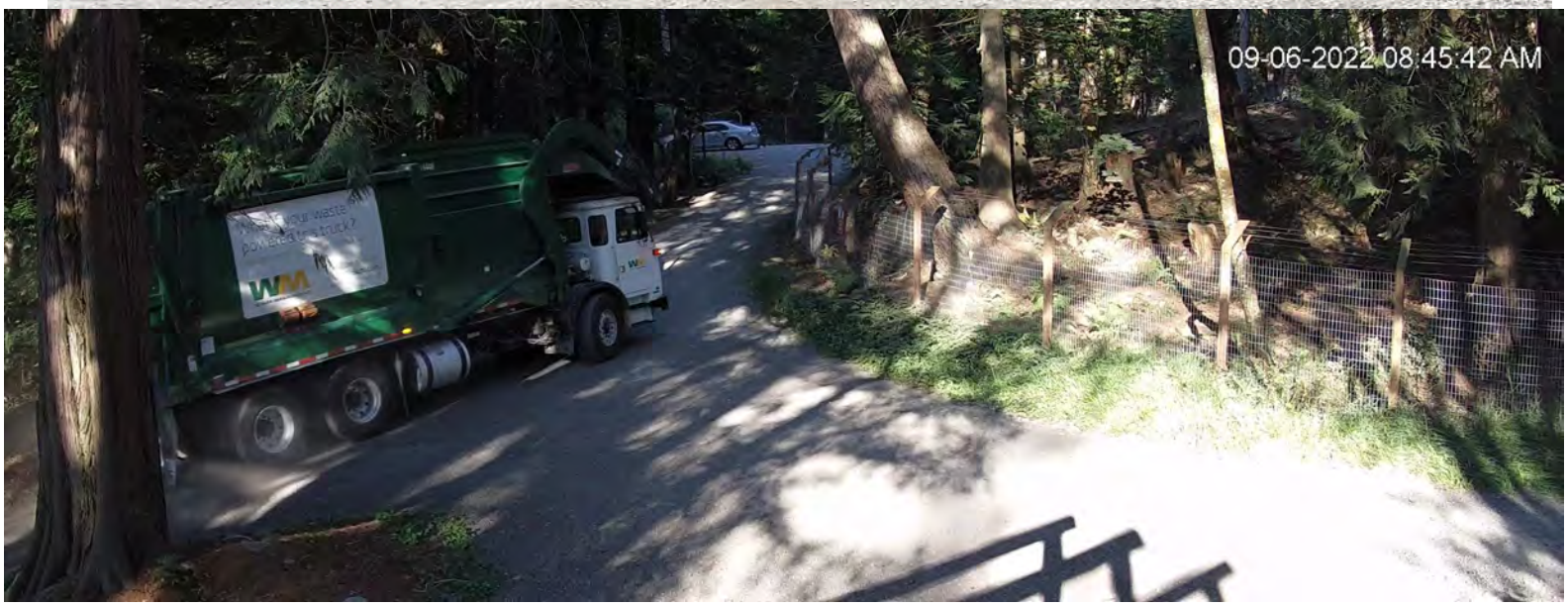
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EXHIBIT #8

ISSUED SEPA MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

For: Predators of the Heart
File Number: PL22-0133

PROJECT DESCRIPTION: On March 23, 2022, Skagit County Planning & Development Services received an application for a Special Use Permit (PL22-0133) to allow for the operation of an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property. The subject property lies within the Rural Reserve zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps. The subject application was deemed complete on April 15, 2022.

APPLICANT/LANDOWNER: Predators of the Heart, 4709 Welch Lane, Anacortes, Washington 98221

CONTACT: Ashley Carr; 6128 Parkside Drive, Anacortes, Washington 98221

PROJECT LOCATION: The subject property is addressed as 4709 Welch Lane, Anacortes, Washington, and is located in a portion of Section 35; Township 35 North; Range 01 East; Willamette Meridian, situated in unincorporated Skagit County, Washington (Parcel #: P128398).

LEAD AGENCY: Skagit County Planning and Development Services.

Skagit County Planning and Development Services has determined that, with appropriate mitigation, this project does not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures in Skagit County Code, Skagit County's Comprehensive Plan adopted under RCW 36.70A, and in other applicable local, state, or federal laws and rules, provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Chapter 16.12 Skagit County Code and Chapter 43.21C RCW. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

MITIGATION MEASURES:

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, must be in place prior to the placement of any fill material. The applicant must maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Stormwater Management Ordinance.

2. The applicant must comply with Northwest Clean Air Agency (NWCAA) requirements.

3. The applicant must comply with the provisions of Chapters 14.32 and 16.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces. Best Management practices must be utilized throughout the life of the project.

4. This project may be subject to a National Pollutant Discharge Elimination Systems (NPDES) permit. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Northwest regional Office at (206) 594-0000.

5. The applicant must comply with both Skagit County Building and Fire Code Standards.

6. The applicant must comply with all relevant provisions of Chapter 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance). Any future development, clearing of vegetation, and/or disturbance of soil must remain outside of the PCAE as shown on AF#200903240122.

7. The proposal, and site development, must comply with all applicable requirements of SCC 14.16.320 regulating the underlying Rural Reserve Zoning District.

8. Should any human remains, archaeological, historic, or cultural materials be discovered during construction, work in the affected area must cease immediately and the area must be secured. Within 24 hours of the discovery, or as soon thereafter as possible, the developer must notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation, and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required, the project developer must retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area may only continue when in conformance with applicable state and federal laws.

9. Electrical Safety: The applicant/landowner must obtain electrical permits from the Washington State Department of Labor and Industries (L&I) for all electrical work. Copies of permits must be kept on site and available. All electrical systems currently installed and/or to be installed, must be permitted, inspected, and approved by the Washington State Department of Labor and Industries (L&I). These electrical systems must be inspected annually, with all records readily available to the county and the city upon request.

10. Development must comply with all requirements of the **Skagit County's Public Health Department** including but not limited to:

    A. Operations with employees require connection to an approved public water source.

    B. Meet the requirements of Skagit County Solid Waste Code SCC 12.16. A solid & hazardous waste permit is required.

11. Development must comply with **Skagit County's Fire Marshall's Office**, including but not limited to:

    A. Access must meet the Skagit County Standards for commercial use for driveway width and turnarounds for emergency apparatus.

    B. Property and buildings must meet the 2018 IFC Standards for commercial use. Required to schedule a fire inspection in part of the Special Use Permit and inspection must be completed prior to any scheduled events.

    C. Gated entrance to have emergency access (KNOX) installed and emergency procedure plan to be provided to responders.

    D. Property is located within the wildland-urban interface (WUI) and further fire code will apply during permitting review of the buildings.

    E. Identify the availability of fire flow and distance to the nearest hydrants.

12. Development must comply with all requirements of the **City of Anacortes** including but not limited to:

    A. Per AMC 13.24.030, a backflow prevention device must be installed. Please contact the City of Anacortes Public Works Department for more information and a permit. This backflow prevention device must be installed immediately and in accordance with City standards.

    B. Water connection: The applicant must obtain and pay for all costs associated with ensuring its connection to the City water system is properly sized for its intended use. Additionally, because the applicant is changing its use from the residential connection to a commercial use, the applicant must install all required backflow prevention devices determined to be required by the City.

13. Development must comply with all requirements of **Skagit County's Planning & Development Services Department** including but not limited to:

    A. **Signage**: Onsite signage must include contact information where neighbors and governmental officials can get ahold of Predators of the Heart staff 24 hours a day 365 days a year with concerns, complaints and/or emergencies. This information must also be placed on the POTH company's website clearly viewable and accessible to all.

    A sign must be placed outside of the main gate listing the managers cell phone number where complaints and/or concerns can be made 24 hours a day 365 days a year.

    Along perimeter fencing, the applicant must install signs indicating that the property is private and that there are wild animals located on the property. Signs must be placed every 50 feet along all property boundaries including the Anacortes Community Forest Lands (ACFL).

B. The applicant/landowner must also provide all property owners within 600 feet of the subject property a 24-hour contact phone number where neighboring property owners can call to report concerns, complaints and/or emergencies.

C. The applicant must obtain a land survey of the subject property from a Washington State licensed land surveyor if property corners, and boundaries are not known.

D. All wolves, wolfdogs, and any non- *felis catus* cats (e.g., cougars, mountains lions, bob cats, etc.) and similar carnivorous and potentially dangerous animals that are onsite must always be placed/housed in 6-sided metal fenced enclosures when staff is not present such as breaks, afterhours, the weekend, holidays, etc.

E. All animal waste must be disposed of in approved manner per Skagit County Public Health Department and the Waste Management company that serves the subject property. Contact theses offices for more information and specifics on the matter.

F. The applicant/landowner must have at a minimum a bi-annual joint inspection by both Skagit County and City of Anacortes Animal Control offices. The onus is on the applicant to arrange this joint meeting with county and city staff. All recommendations made by city and county staff during this visit must be followed.

   Furthermore, the applicant/landowner must allow both Skagit County and City of Anacortes Animal Control to inspect the site as is needed following obtaining a Special Use Permit.

G. All parking associated with the business must be onsite and must not include Skagit County or City of Anacortes road right-of-way(s), private roads, or neighboring private/public properties.

H. **Emergency Response**: Should it be determined that any of the animals housed onsite escapes, the manager/staff and/or applicant/landowner must immediately lockdown the business and fences and call the Skagit County Sherriff's Office, Skagit County Animal Control Office, Skagit County Planning and Development Services Department, City of Anacortes Police Department, City of Anacortes Animal Control Officer, City of Anacortes Fire Department, City of Anacortes Parks & Recreation Department, and abutting/contiguous neighboring landowners informing them of this emergency. Predators of the Heart must also inform these parties what actions and response they are taking to capture any escaped animals. The applicant/landowner must have a standard call out list which at a minimum includes all of the parties that are listed above.

   The business must be responsible for any costs associated with recovering their animals by county/city staff /departments and any damage or harm that they could potentially cause.

I. The applicant/landowner must comply with the following **fencing standards**:

   1) The entire subject property for POTH must have **primary perimeter fencing** installed around the entire subject property. At a minimum, the perimeter fencing and gates must consist of 9 gauge, 2" square, 8' chain link fencing with metal support poles set in concrete spaces no more than 6 feet apart.

2) The perimeter fence must be a minimum eight (8) feet in height (above grade), with at least two (2) feet at the bottom of the fence (more info & deviations discussed below).

   Perimeter fencing must also include a two (2) foot tip out (to prevent animals from escaping) extension at the top of the fence at a 45-degree angle with an electric wire strung at the top of the fence on the inside of the enclosure.

   The total height of perimeter fence above grade is ten (10) feet which includes the eight (8) foot tall fence plus the two (2) foot tip out.

3) A **secondary perimeter fence** is required that is at least five (5) or more feet inward from the primary perimeter fence. The secondary perimeter fence must also meet the same standards as the primary perimeter fence.

4) **Below Grade Fencing**: Both the primary and secondary perimeter fences and gates must have chain link fencing installed that adjoins the ground. For both primary and secondary perimeter fencing, concrete with reinforced mesh must extend two (2) feet vertically into the ground and be attached to the base of the chain link to prevent animals from digging out.

   If this requirement [below grade concrete with reinforced mesh] is impracticable, any deviation thereto that is either comparable or greater in its ability to prevent animals from escaping below the chain link fencing may be considered by Skagit County's Planning & Development Services Department.

5) All entrances and exits must have double gates and be at least eight (8) feet tall. Latches must be secure and lockable. Fencing must be attached to the inside of the gate so that the framework cannot be used as a ladder.

6) As discussed above, perimeter fencing must be installed around the entire subject property. No Variance is required for 8-foot fencing (above ground) with two (2) foot tip out (to prevent animals from escaping) on the respective property lines provided a Commercial Building Permit is first approved for it.

J. All animal enclosures must be located inside of the secondary perimeter fence. Wolves, wolf hybrids, bobcats, cougars, and similar animals that are a threat to humans must at all times be housed in 6-sided fenced enclosures. All enclosures must contain a shelter from the elements and must provide adequate drainage to allow animals to find dry ground in wet conditions. Enclosures must contain enough vegetation and ground cover to provide the animal with shade, hiding places and grass to eat. However, no trees or bushes shall be located too close to the fence.

K. The applicant/landowner must comply with the following standards for **animal runs**:

   1) All animal runs must be located inside of the secondary perimeter fence.

2) There must be **perimeter checks of the wolves' daytime enclosures** daily to look for vulnerability, including fallen trees, damage or tunnels by animals, broken fence or wiring, etc. These daily inspections should be reported in a daily log and along with any work plans to complete needed repairs. Emergency repairs should be fixed immediately. These daily logs must be made available to city or county officials upon request.

L. The applicant must hire **a ISA Certified Arborist a minimum of 3 times per year** to evaluate the trees along the fence lines (internally and external to the property). Evaluations and the action necessary to mitigate the hazard must be paid for by POTH. All records related to arborist reports, mitigation requirements, and repair work must be available to the county and city upon request.

M. The applicant/landowner must install both motion detected lights that monitor the area within the perimeter fencing and surveillance video equipment that automatically alerts the facility's manager via cell phone of movement within the perimeter fencing and/or encroachment by an animals within.

N. Electronic surveillance measures must be used at all times by staff to monitor the operation remotely from afar during afterhours, weekends, and holidays.

O. The wildlife preserve must be manned at all times. When the facility is closed, a caretaker must be present on the property

P. When wolves, wolf hybrids, bobcats, cougars, or similar animals that are a threat to humans are allowed outside of their 6-sided enclosures into fenced in run areas, GPS, VHF, or similar tracking collars must be placed on the animals.

Q. The applicant/landowner must comply with all USDA requirements. Should there be a conflict in what the USDA requires, the applicant/landowner must contact Skagit County Planning & Development Services Department to coordinate the appropriate response.

R. There is no maximum number of animals that Predators of the Heart may house onsite provided they meet all USDA standards/requirements and Skagit County Code including but not limited to Chapter 7.04 regulating potentially dangerous wild animals.

S. Following Special Use Permit approval, the applicant/landowner must provide Skagit County Planning & Development Services and the City of Anacortes' Parks and Recreation Department with a revised site plan that shows including but not limited to:

1) Location of all property corners/lines for the subject property

2) Location of the 2 required perimeter fences

3) Location of all double fenced entrances and gates

4) Location of all animal enclosures. Identify what animal species are where.

5) Location of all existing structures (and proposed) onsite including any caretaker Residence

6) Location of onsite parking for staff and guests

7) Location of any onsite critical areas, associated buffers, and/or protected critical area assessment easement (PCAE)

T. Development must comply with all requirements of the Skagit County Planning & Development Service's Building Division including but not limited to:

1) All structures – (Buildings under a 120 Square Feet with heat or plumbing, All Buildings structures over 120 S.F, Cages, Fences over 7' tall, containers) requires a building permit and engineering.

2) Permanent restrooms are required on site for employees and guest.

U. Outdoor burning: The applicant must follow safe outdoor burning protocol along with seasonal burn bans.

V. Operation limitations: The applicant must not engage in any unsafe practices involving wolves or similar carnivorous animals.

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 days from the date of the publication below.

Written comments must be received no later than 4:30 PM on: **November 18, 2022**

*Email correspondence **will not** be accepted,* however comments may be submitted via the PDS website under the "*recent legal notices*" tab. (www.skagitcounty.net/pdscomments)

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with the Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the closing of the above-described comment period.

Appeals must be submitted no later than: **December 2, 2022**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services

CONTACT PERSON: Kevin Cricchio, Senior Planner

MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273

PHONE: (360) 416-1423

Date: **November 1, 2022** Signature: **Kevin Cricchio**, AICP
On behalf of Hal Hart, Planning & Development Services Dept. Director

CC: Skagit County Public Works Department, Fire Marshall, Stormwater Review, Critical Area Review, Water Resources Review, Skagit County Public Health, NW Clean Air Agency, City of Anacortes, WDOE, WDFW, WDNR, DAHP, WSDOT, Samish Indian Nation, Swinomish Indian Tribal Community, Skagit River Systems Coop, Parties of Record, & SEPA Register

Date Transmitted to Skagit Valley Herald: November 1, 2022

Please Publish in the Skagit Valley Herald: **November 3, 2022**

EXHIBIT #9

PARTIES OF RECORD

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ANACORTES, WA 98221

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Anacortes, WA 98221

Ed Clauson
PO Box 1565
Anacortes, WA 98221

Jim Krieg
PO Box 616
Oak Harbor, WA 98277

EXHIBIT #10

SEPA APPEALS RECEIVED

- **PL22-0577, David Perez with Perkins Coie**
- **PL22-0583, Ashley Carr with Predators of the Heart**

Appeal or Request for Reconsideration

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
voice 360-416-1320 · inspections 360-416-1330 · www.skagitcounty.net/planning

File #: PL22-0577
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SKAGIT COUNTY PDS
Received by: Pam

Appeal

What are you appealing?

- ☑ Appeal of an Administrative Interpretation/Decision/Action to the Hearing Examiner
- ☐ Appeal of an Administrative Order to Abate (code enforcement order) to the Hearing Examiner
- ☐ Appeal of Impact Fees to the Hearing Examiner (impact fees must be paid) (SCC 14.30.070)
- ☐ Appeal of Hearing Examiner Decision/Action to the Board of County Commissioners
- ☐ Request for Reconsideration of a Hearing Examiner Decision (SCC 14.06.180)

File # of Appealed Decision or Permit	MDNS for PL22-0133	**Appeal Fee**	$	*PDS will calculate*
Date of Appealed Decision or Permit	November 3, 2022	**Publication Fee**	$	*PDS will calculate*

PDS staff: do not accept appeal form without full payment of fees

Appellant

Standing to appeal	☐ Permit applicant ☒ Party of Record ☐ Party subject to code enforcement order ☐ Other				
Name	Edward & Lynne Borlin, David & Pamela Knutsen, Nolan Berlin & Millicent Swietzer, and Kevin & Jenny Welch				
Address	11363 Spinnaker Lane				
City, State	Anacortes, WA	**Zip**	98221	**Phone**	(306) 708-8516
Email	kevin@sschussboomer.net	**Signature**	KEVIN P. WELCH		

Attorney or Representative ☐ None

Name	David Perez, Perkins Coie				
Address	1201 Third Avenue, Suite 4900				
City, State	Seattle, WA	**Zip**	98101	**Phone**	(206) 359-6767
Email	DPerez@perkinscoie.com				

Attachments

☑ For any of the **appeals** listed above, please attach a concise statement with numbered responses to the following questions.

1. What is your interest in this decision?
2. How are you aggrieved by the decision you are appealing?
3. What are the specific reasons you believe the decision is wrong?
   e.g. erroneous procedures, error in law, error in judgment, discovery of new evidence
4. Describe any new evidence.
5. List relevant sections of Skagit County Code.
6. Describe your desired outcome or changes to the decision.

☐ For a request for **reconsideration** of a Hearing Examiner decision, attach a statement identifying the specific errors alleged.

PL22-0577
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DEC 02 2022
SKAGIT COUNTY
PDS

BEFORE THE HEARING EXAMINER

IN AND FOR THE COUNTY OF SKAGIT, WASHINGTON

In the matter of the Appeal of Skagit County SEPA Mitigated Determination of Nonsignificance for File No. PL22-0133	No. PL22-0133 **NOTICE OF ADMINISTRATIVE APPEAL**

I. Introduction and decision being appealed

Edward and Lynne Borlin, David and Pamela Knutsen, Nolan Berlin and Millicent Swietzer, and Kevin and Jenny Welch (collectively, "Appellants") respectfully submit this Notice of Appeal pursuant to SCC 16.12.210 and SCC 14.06.110(8) to request that the Skagit County Hearing Examiner reverse and vacate the Mitigated Determination of Non-significance ("MDNS") issued by the Skagit County Planning and Development Service ("PDS") on November 3, 2022 for Application PL22-0133, submitted by Predators of the Heart ("Predators") on March 23, 2022. The MDNS conditioned Predators' proposal, but ultimately determined that Predators can house and commercially exhibit dozens of danger-

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ous wild animals in a residential neighborhood. Predators submit this Notice of Appeal pursuant to SCC 16.12.210(1), SCC 16.12.210(2), SCC 14.06.110(8), and the instructions in the MDNS, attached hereto as Exhibit A. *See* Ex. A at 7 ("Appeals must be submitted no later than **December 2, 2022**.").[1]

Washington's State Environmental Policy Act ("SEPA") requires the lead agency to obtain reasonably sufficient and accurate information to evaluate the environmental impacts of a proposal before issuing a threshold decision. Here, the MDNS concluded that Predators' Application, as mitigated, will not significantly impact the environment. But that threshold determination was based on crediting numerous false statements and omissions in Predators' Application. Issuing the MDNS based on incomplete and inaccurate information is plain error, irrespective of the mitigation measures imposed. Appellants therefore request that the Hearing Examiner reverse and vacate the MDNS.[2]

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[1] Additionally, Appellants file this appeal to protect their rights to bring SEPA claims in a separate appeal of the first governmental action taken in reliance on the threshold determination. The County's Code (*see* Ex. at 7; SCC 16.12.210(1)), appears to impermissibly bifurcate a SEPA appeal from an appeal on the underlying governmental action, contrary to the dictates of SEPA. If the County "permits an appeal of the threshold SEPA determination . . . that appeal must be tied to the underlying government action—for example, the government decision to grant or deny a CUP." *Ellensburg Cement Products, Inc. v. Kittitas Cnty.*, 179 Wn.2d 737, 744-45, 317 P.3d 1037 (2014); RCW 43.21C.075(3). Because a major purpose of SEPA "is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action." RCW 43.21C.075(1). "In other words, an agency or local government cannot provide an appeal of only the SEPA threshold determination." *Ellensburg Cement*, 179 Wn.2d at 745. State law bars a county from allowing for a SEPA appeal if the county does not also provide for an appeal of the underlying governmental action. *Id.*

[2] This Notice of Appeal specifically challenges the County's threshold determination under SCC Chapter 16.12, which incorporates SEPA; it does not address the illegality of the Special Use Permit requested under Skagit County law. *See, e.g.*, SCC 7.04.030(1) ("A person may not own, possess,

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II. Names, addresses, and interest of Appellants

1. Appellants' names and addresses are as follows:

Edward and Lynne Borlin
4577 Welch Lane
Anacortes, WA 98221

David and Pamela Knutsen
4592 Welch Lane
Anacortes, WA 98221

Nolan Berlin and Millicent Swietzer
4548 Welch Lane
Anacortes, WA 98221

Kevin and Jenny Welch
11363 Spinnaker Lane
Anacortes, WA 98221

2. Appellants have an interest in Predators' Application to secure a special use permit to exhibit dangerous wild animals in a residential neighborhood because Appellants live in close proximity to Predators' facility. They are therefore directly affected by the unsafe conditions, noise, invasions of privacy, traffic, and other impacts generated by Predators' operation. Appellants timely submitted comments in response to both the Application and the MDNS, and therefore have standing to appeal the MDNS as a party of record in an open record public hearing. SCC 14.06.160(2).

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keep, harbor, bring into the County, or have custody or control of any potentially dangerous wild animals[.]"). All legal arguments concerning the County's issuance of a Special Use Permit will be brought in a separate appeal. *See supra*, note 1.

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3. Appellants are represented in this appeal by David A. Perez, Alison R. Caditz, and Hannah Parman, Perkins Coie, 1201 Third Avenue, Suite 4900, Seattle, Washington, 98101-3099.

III. Specific reasons why the MDNS is wrong

The MDNS should be reversed and vacated because it (1) is based on false statements by Predators and (2) failed to consider reasonably sufficient information necessary to account for environmental impacts.

A. The MDNS was procured by misrepresentation.

4. The MDNS should be withdrawn because it was procured by misrepresentation and lack of material disclosure. *See* WAC 197-11-340(3)(a)(iii).

5. Both Predators' Application and its subsequent letter to the County responding to comments (attached as Exhibits B and C, respectively) are **riddled with false statements on critical issues, including escapes from its facility**. Predators' Application claimed that in "23 years, we have had only one escape," which it blamed on a dog. Ex. B at 3. But in its subsequent letter to the County, Predators represented that in "over twenty (20) years, POTH has had only two escapes," and then, paragraphs later, that "[t]here have simply been no escapes." Ex. C at 5, 7; *see also* Ex. C at 8 ("No wolves have escaped."). Predators' assertions are both internally inconsistent and irreconcilable with publicly availa-

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ble information **identifying at least four escapes**, including articles describing an escape in 2012, two in 2017 (one of which Predators ignores, Ex. C at 10), and another in 2021.[3]

6. Predators' misrepresentations do not end there. Predators claimed that it "does not breed animals," Ex. C at 9, but admitted under oath in a separate lawsuit filed by Appellants that its wolves were all bred at the facility. *See* Predators' Resps. to Pls.' First Disc. Reqs. at 8 (attached as Exhibit D). And Predators represented to the County that "[t]here is no planned expansion" (*see* Ex. B at 69), yet it has said in recent social media videos that it wants to expand its facility and house more animals. *See* Predators of the Heart, Facebook (Nov. 4, 2022, at 2:10 PM), *available at* https://www.facebook.com/watch/?v=1065490137459442/ (last accessed on Dec. 1, 2022).

7. Predators likened its wolf hybrids to Bernese Mountain dogs and Jack Russell Terriers (Ex. C at 8-9) despite the County's 2014 finding that wolf hybrids are "inherently dangerous, as they are not normally domesticated and pose unique threats to human life due to their physical and temperamental characteristics, including their strength, speed, and un-predictability." Skagit County, Wash., Ordinance # O20140001 (2014). The County found, contrary to Predators' mischaracterization, that "wolf hybrids, often larger in size than either the wolf or dog from which they were bred, have been the source of a number of attacks on people—mostly children—that have resulted in severe injuries and several deaths." *Id.*

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[3] *See Warning Signs in Anacortes Community Forest Lands*, City of Anacortes (Dec. 26, 2017) (attached as Exhibit E); Jacqueline Allison, *Anacortes Community Forest Lands Trails Back Open after Wolves Captures*, Skagit Valley Herald (Oct. 19, 2021), https://www.goskagit.com/news/local_news/anacortes-community-forest-lands-trails-back-open-after-wolves-captured/article_938b8d04-7d45-5701-a319-687d1e6d67e2.html.

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8. Predators also misrepresented that it has possessed all its potentially dangerous wild animals since before 2007, including its cougars. Ex. C at 1, 3. Predators recently attested, in response to interrogatories, that one of its cougars "was conceived by accident approximately ten years ago," *i.e.*, around 2012. Ex. D at 13. Many more of Predators' dangerous wild animals were likely born in the last fifteen years. Indeed, Predators' social media accounts have publicized its young wolf puppies, which Predators was unlawfully breeding as recently as 2017. Predators was illegally selling these animals (*see* Ex. D at 12) but presumably kept at least some to advance its own business. **The MDNS is based on Predators' false statements and should be withdrawn on that basis alone.**

9. Predators' misrepresentations also necessitate stringent oversight and accountability measures by an independent third party to ensure that the County's mitigation measures are enforced. To the extent the MDNS is retained, conditions should be added that, at a minimum, require Predators to (1) become (and remain) an accredited member of an independent oversight organization, such as the American Zoo Association; (2) obtain an insurance policy with the County ($50 million aggregate, $10 million per occurrence), which names all adjacent landowners as additional insureds; and (3) submit annual financial plans to the County that guarantees its animals will be cared for in perpetuity.

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B. The MDNS is not based on reasonably sufficient information to evaluate environmental impacts.

10. The MDNS is clearly erroneous because PDS failed to obtain reasonably sufficient information to evaluate the environmental impacts of Predators' proposal before issuing a threshold determination. *See* WAC 197-11-355.

11. Incomplete SEPA Checklist. The MDNS should be reversed because Predators failed to submit a complete SEPA Checklist. *See* WAC 197-11-335, 197-11-335. Most obviously, in the section requiring Predators to provide a "brief, complete description" of its proposal, "including the proposed uses and the size of the project and site," Predators wrote: "ANIMAL PERSEVE [sic] PERMIT - NO PROJECTS AT THIS TIME." Ex. B at 69. Predators did not provide *any* answer in the section addressing "[l]ocation of the proposal," which requests "sufficient information for a person to understand the precise location of your project[.]" Ex B at 69–70.

12. More generally, Predators responded with "None" or "N/A" to nearly every question. In the few instances where Predators provided a response other than "None" or "N/A," Predators failed to provide the necessary detail to aid the County in its decision. For example, the Checklist requires Predators to describe "[w]hat types and levels of noise would be created by or associated with the project on a short-term or long-term basis[.]" Ex. B at 75. Predators responded: "[n]atural animal noises at time but minimal." *Id.* That response fails to provide the full scope of Predators' noise impacts and overlooks the impacts of Predators' operations associated with traffic, construction, and other activities. The SEPA

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Checklist is not intended to be an aspirational description of a proposed project. It is meant to provide the lead agency with an accurate, honest description to aid the environmental review. Predators' SEPA Checklist responses are plainly insufficient.

13. No review of transportation impact. Predators' SEPA Checklist falsely stated that no "vehicular trips" would be generated each day by the completed proposal. Ex. B at 79. And although it seeks to run a commercial operation—drawing up to 120 visitors per week using a non-commercial single-lane gravel road—Predators represented that no improvements would be required to existing roads. Ex. B at 79. Predators' Checklist also failed to "describe proposed access to the existing street system" and "the approximate distance to the nearest transit stop," simply responding: "None" or "N/A". Ex. B at 78.

14. Beyond imposing limits on parking, the MDNS ignored transportation impacts. Ex. A at 4. Predators' proposed tours[4]—which would run six days a week, twice a day—bring a consistent stream of commercial traffic onto a single-lane gravel road, without turnouts, that is meant to serve four residential properties, not a business drawing up to 120 visitors per week. Nor did the MDNS address whether Predators even has legal roadway access for its commercial use, through an easement or otherwise.

15. To the extent the MDNS is retained, tours should be limited to two per day, on weekdays and non-holidays from 9:00 am to 5:00 pm. Predators should also be required

[4] Although the County instructed Predators in February 2022 to cease operations pending review of its proposal, Predators continued offering tours through at least July 2022, as evident from Airbnb customer reviews posted up until that date.

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to secure appropriate easements for commercial access to its property, improve access roads to commercials standards, enter into a roadway maintenance agreement with all roadway constituents, and agree that no signs can be placed on nearby properties.

16. Insufficient review of effects on nearby properties. Both the Application and the MDNS failed to address the effects of Predators' proposal on nearby residential properties. Regarding the effect of "current land uses on nearby or adjacent properties," Predators wrote: "Adjacent properties have Personal sawmill, livestock, and off road quad and dirt bike track." Ex. B at 76. Predators simply ignored that its commercial wildlife compound housing dozens of dangerous wild animals is surrounded by residential homes with children. It disregarded both the safety risks and invasions of property created by its proposal.

17. The MDNS also failed to sufficiently account for the impact on the surrounding neighbors generated by Predators' proposal, which, again, misrepresented the number of escapes from the facility and failed to take responsibility for the sole escape it does acknowledge. Although the MDNS imposed various mitigation measures to decrease the likelihood of escapes and increase safety, those conditions are insufficient to ensure the safety and well-being of the neighborhood. If the MDNS is retained, the County should require, in addition to the conditions imposed, that *certified* staff be on site at all times (not simply that the property be manned); that the emergency contact list be expanded to include all property owners within 0.25 miles of the facility (not simply "abutting/contiguous neighboring landowners"); and that all existing makeshift fencing be removed.

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18. Nor did the MDNS account for the safety of visitors to Predators' facility. Predators offers regular paid tours of its facility during which members of the public are allowed "to touch, photograph and even howl with wolf dogs." Airbnb, *Howling with Ambassadors*, https://www.airbnb.com/experiences/47240 (last accessed on Dec. 1, 2022). Indeed, recent customer reviews—including as recently as July 2022—mention petting and taking photos with wolves, and even being licked by them. The MDNS's vague observation that Predators "must not engage in any unsafe practices involving wolves or similar carnivorous animals" is hardly sufficient, and could be interpreted as rubberstamping direct contact between members of the public and wolf hybrids. Ex. A at 7. Nor did the MDNS expressly bar Predators from breeding and selling dangerous wild animals—unlawful activities that resulted in Predators' large and problematic population of wolf hybrids in the first place.

19. Insufficient review of recreation. Predators represented that its proposed project would not displace any existing recreational uses but disregarded the effect of its operation on visitors to the nearby forestlands, including safety risks. The MDNS did not address the impact of the proposal on recreation. As discussed above, the conditions imposed by the MDNS to increase safety are insufficient to protect individuals from the dozens of dangerous wild animals housed by Predators.

20. No review of aesthetic impact. The MDNS did not address how certain mitigation measures, while increasing safety, would have a negative aesthetic impact on the community. 10-foot fencing with barbed wire, lighting, and surveillance cameras abutting

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Predators' property line (while lowering the likelihood of escape) would decrease the value of neighboring properties, many of which residents have owned since before Predators arrived. To the extent the MDNS is retained, the County should (1) require setbacks of 35' from all sides for fences, buildings, pens, and enclosures; and (2) require Predators to landscape so that its fencing and security systems are not visible from adjacent properties.

21. No review of noise impacts. Neither the Application nor the MDNS addressed noise impacts. As noted above, the SEPA Checklist submitted by Predators failed to meaningfully address the "types and levels of noise [that] would be created by or associated with the project," including "what hours noise would come from the site." Predators simply wrote: "Natural animal noises at time [sic] but minimal". Ex. B at 75. Regarding "[p]roposed measures to reduce or control noise impacts," Predators wrote: "N/A". Predators did not address the types of noise, source of noise, level of noise, or time at which the noise occurs, let alone provide any data from which PDS could assess whether Predators' proposal would create undue noise. Acknowledging and understanding the impacts of noise is necessary to sufficiently review project impacts under SEPA.

22. The MDNS said nothing at all about noise impacts, even though Predators' facility is surrounded by residential homes and despite numerous public comments from Predators' neighbors (including Appellants) describing excessive noise from Predators' dozens of howling wolves and other wild animals. The County itself noted in its 2015 lawsuit against Predators that "[t]he noises from the wolves, cougars, and scavenging birds are

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neighborhood irritants." *See* Mot. for Summ. J. at 8, *Skagit Cnty. v. Coleburn*, No. 15-2-00509-2 (2014). If the MDNS is retained, a noise study, at a minimum, should be conducted to ensure that noise levels do not exceed permissible levels.

IV. Relevant sections of Skagit County Code

The legal framework for this appeal involves SEPA, Chapter 43.21C RCW and Chapter 197-11 WAC, as well as the following sections of the Skagit County Code and related jurisprudence:

23. SCC 14.01.900 (Special Use Permit Requirements). This section provides the requirements a project applicant must fulfill to obtain a special use permit.

24. SCC 14.06.110(11). The appellant bears the burden of proving that the decision of the administrative official was clearly erroneous.

25. SCC 14.06.070(2) (Integration of SEPA review with development permit review). Requires developments to be reviewed in accordance with the policies and procedures of Chapter 16.12 SCC, SEPA, and Chapter 197-11 WAC.

26. SCC Chapter 16.12 (State Environmental Policy Act). This Chapter incorporates SEPA. An agency that determines that a project proposal will not result in a significant impact bears the burden of demonstrating "that environmental factors were considered in a manner sufficient to be prima facie compliance with the procedural dictates of SEPA." *Bellevue v. Boundary Rev. Bd*, 90 Wn.2d 856, 867, 586 P.2d 470 (1978). For example, the threshold determination must be based on information sufficient to evaluate the proposal's

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environmental impact. *Boehm v. City of Vancouver*, 111 Wn. App. 711, 718, 47 P.3d 137, 141 (2002). In addition, a court will not uphold a DNS unless the record demonstrates that the government gave actual consideration to the environmental impact of the proposed action or recommendation. *Id.* An incorrect threshold determination will be vacated because it thwarts SEPA's policy to ensure the full disclosure of environmental information so that environmental matters can be given proper consideration during decisionmaking. *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 273, 552 P.2d 674 (1976)).

27. SCC 16.12.020, incorporating WAC 197-11-060 (content of environmental review). Agencies must "carefully consider the range of probably impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer." WAC 197-l l-060(4)(c).

28. SCC 16.12.070 (Purpose). This section incorporates WAC 197-11-330, which establishes the threshold determination process.

29. SCC 16.12.100 (Environmental Checklist). This section requires a the project applicant to provide "a completed environmental checklist (or a copy), in the form provided in WAC 197-11-960[.]" The checklist "shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this Chapter." The County "shall use the environmental checklist . . . for making the threshold determination."

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V. Desire outcome/relief requested

30. Appellants respectfully request the following relief:

a. An order reversing the MDNS and requiring that (1) PDS withdraw the MDNS, and (2) that Predators submit complete and truthful information concerning the impacts of its proposal, as discussed above; and

b. Such other and further relief as the Hearing Examiner may deem just and equitable.

DATED: December 2, 2022

David A. Perez, WSBA No. 43959
Alison R. Caditz, WSBA No. 51530
Hannah Parman, WSBA No. 58897
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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on the date indicated below, I caused a true and correct copy of the foregoing **NOTICE OF ADMINISTRATIVE APPEAL** to be served on the following persons via the methods indicated below:

Kevin Cricchio, Senior Planner
Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

- ☐ Via U.S. Mail, 1st class, postage prepaid
- ☒ Via Legal Messenger
- ☐ Via Facsimile
- ☐ Via Overnight Mail
- ☐ Via email

DATED this 2nd day of December, 2022 at Seattle, Washington.

Arkady Ayrapetov
Legal Practice Assistant

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PL22-0577

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EXHIBIT A

SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

For: Predators of the Heart
File Number: PL22-0133

PROJECT DESCRIPTION: On March 23, 2022, Skagit County Planning & Development Services received an application for a Special Use Permit (PL22-0133) to allow for the operation of an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property. The subject property lies within the Rural Reserve zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps. The subject application was deemed complete on April 15, 2022.

APPLICANT/LANDOWNER: Predators of the Heart, 4709 Welch Lane, Anacortes, Washington 98221

CONTACT: Ashley Carr; 6128 Parkside Drive, Anacortes, Washington 98221

PROJECT LOCATION: The subject property is addressed as 4709 Welch Lane, Anacortes, Washington, and is located in a portion of Section 35; Township 35 North; Range 01 East; Willamette Meridian, situated in unincorporated Skagit County, Washington (Parcel #: P128398).

LEAD AGENCY: Skagit County Planning and Development Services.

Skagit County Planning and Development Services has determined that, with appropriate mitigation, this project does not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures in Skagit County Code, Skagit County's Comprehensive Plan adopted under RCW 36.70A, and in other applicable local, state, or federal laws and rules, provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Chapter 16.12 Skagit County Code and Chapter 43.21C RCW. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

MITIGATION MEASURES:

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, must be in place prior to the placement of any fill material. The applicant must maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Stormwater Management Ordinance.

2. The applicant must comply with Northwest Clean Air Agency (NWCAA) requirements.

3. The applicant must comply with the provisions of Chapters 14.32 and 16.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces. Best Management practices must be utilized throughout the life of the project.

4. This project may be subject to a National Pollutant Discharge Elimination Systems (NPDES) permit. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Northwest regional Office at (206) 594-0000.

5. The applicant must comply with both Skagit County Building and Fire Code Standards.

6. The applicant must comply with all relevant provisions of Chapter 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance). Any future development, clearing of vegetation, and/or disturbance of soil must remain outside of the PCAE as shown on AF#200903240122.

7. The proposal, and site development, must comply with all applicable requirements of SCC 14.16.320 regulating the underlying Rural Reserve Zoning District.

8. Should any human remains, archaeological, historic, or cultural materials be discovered during construction, work in the affected area must cease immediately and the area must be secured. Within 24 hours of the discovery, or as soon thereafter as possible, the developer must notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation, and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required, the project developer must retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area may only continue when in conformance with applicable state and federal laws.

9. Electrical Safety: The applicant/landowner must obtain electrical permits from the Washington State Department of Labor and Industries (L&I) for all electrical work. Copies of permits must be kept on site and available. All electrical systems currently installed and/or to be installed, must be permitted, inspected, and approved by the Washington State Department of Labor and Industries (L&I). These electrical systems must be inspected annually, with all records readily available to the county and the city upon request.

10. Development must comply with all requirements of the **Skagit County's Public Health Department** including but not limited to:

    A. Operations with employees require connection to an approved public water source.

    B. Meet the requirements of Skagit County Solid Waste Code SCC 12.16. A solid & hazardous waste permit is required.

11. Development must comply with **Skagit County's Fire Marshall's Office**, including but not limited to:

    A. Access must meet the Skagit County Standards for commercial use for driveway width and turnarounds for emergency apparatus.

B. Property and buildings must meet the 2018 IFC Standards for commercial use. Required to schedule a fire inspection in part of the Special Use Permit and inspection must be completed prior to any scheduled events.

C. Gated entrance to have emergency access (KNOX) installed and emergency procedure plan to be provided to responders.

D. Property is located within the wildland-urban interface (WUI) and further fire code will apply during permitting review of the buildings.

E. Identify the availability of fire flow and distance to the nearest hydrants.

12. Development must comply with all requirements of the **City of Anacortes** including but not limited to:

A. Per AMC 13.24.030, a backflow prevention device must be installed. Please contact the City of Anacortes Public Works Department for more information and a permit. This backflow prevention device must be installed immediately and in accordance with City standards.

B. Water connection: The applicant must obtain and pay for all costs associated with ensuring its connection to the City water system is properly sized for its intended use. Additionally, because the applicant is changing its use from the residential connection to a commercial use, the applicant must install all required backflow prevention devices determined to be required by the City.

13. Development must comply with all requirements of **Skagit County's Planning & Development Services Department** including but not limited to:

A. **Signage**: Onsite signage must include contact information where neighbors and governmental officials can get ahold of Predators of the Heart staff 24 hours a day 365 days a year with concerns, complaints and/or emergencies. This information must also be placed on the POTH company's website clearly viewable and accessible to all.

A sign must be placed outside of the main gate listing the managers cell phone number where complaints and/or concerns can be made 24 hours a day 365 days a year.

Along perimeter fencing, the applicant must install signs indicating that the property is private and that there are wild animals located on the property. Signs must be placed every 50 feet along all property boundaries including the Anacortes Community Forest Lands (ACFL).

B. The applicant/landowner must also provide all property owners within 600 feet of the subject property a 24-hour contact phone number where neighboring property owners can call to report concerns, complaints and/or emergencies.

C. The applicant must obtain a land survey of the subject property from a Washington State licensed land surveyor if property corners, and boundaries are not known.

D. All wolves, wolfdogs, and any non-*felis catus* cats (e.g., cougars, mountains lions, bob cats, etc.) and similar carnivorous and potentially dangerous animals that are onsite must always be placed/housed in 6-sided metal fenced enclosures when staff is not present such as breaks, afterhours, the weekend, holidays, etc.

E. All animal waste must be disposed of in approved manner per Skagit County Public Health Department and the Waste Management company that serves the subject property. Contact theses offices for more information and specifics on the matter.

F. The applicant/landowner must have at a minimum a bi-annual joint inspection by both Skagit County and City of Anacortes Animal Control offices. The onus is on the applicant to arrange this joint meeting with county and city staff. All recommendations made by city and county staff during this visit must be followed.

Furthermore, the applicant/landowner must allow both Skagit County and City of Anacortes Animal Control to inspect the site as is needed following obtaining a Special Use Permit.

G. All parking associated with the business must be onsite and must not include Skagit County or City of Anacortes road right-of-way(s), private roads, or neighboring private/public properties.

H. **Emergency Response**: Should it be determined that any of the animals housed onsite escapes, the manager/staff and/or applicant/landowner must immediately lockdown the business and fences and call the Skagit County Sherriff's Office, Skagit County Animal Control Office, Skagit County Planning and Development Services Department, City of Anacortes Police Department, City of Anacortes Animal Control Officer, City of Anacortes Fire Department, City of Anacortes Parks & Recreation Department, and abutting/contiguous neighboring landowners informing them of this emergency. Predators of the Heart must also inform these parties what actions and response they are taking to capture any escaped animals. The applicant/landowner must have a standard call out list which at a minimum includes all of the parties that are listed above.

The business must be responsible for any costs associated with recovering their animals by county/city staff /departments and any damage or harm that they could potentially cause.

I. The applicant/landowner must comply with the following **fencing standards**:

1) The entire subject property for POTH must have **primary perimeter fencing** installed around the entire subject property. At a minimum, the perimeter fencing and gates must consist of 9 gauge, 2" square, 8' chain link fencing with metal support poles set in concrete spaces no more than 6 feet apart.

2) The perimeter fence must be a minimum eight (8) feet in height (above grade), with at least two (2) feet at the bottom of the fence (more info & deviations discussed below).

Perimeter fencing must also include a two (2) foot tip out (to prevent animals from escaping) extension at the top of the fence at a 45-degree angle with an electric wire strung at the top of the fence on the inside of the enclosure.

The total height of perimeter fence above grade is ten (10) feet which includes the eight (8) foot tall fence plus the two (2) foot tip out.

3) A **secondary perimeter fence** is required that is at least five (5) or more feet inward from the primary perimeter fence. The secondary perimeter fence must also meet the same standards as the primary perimeter fence.

4) **Below Grade Fencing**: Both the primary and secondary perimeter fences and gates must have chain link fencing installed that adjoins the ground. For both primary and secondary perimeter fencing, concrete with reinforced mesh must extend two (2) feet vertically into the ground and be attached to the base of the chain link to prevent animals from digging out.

   If this requirement [below grade concrete with reinforced mesh] is impracticable, any deviation thereto that is either comparable or greater in its ability to prevent animals from escaping below the chain link fencing may be considered by Skagit County's Planning & Development Services Department.

5) All entrances and exits must have double gates and be at least eight (8) feet tall. Latches must be secure and lockable. Fencing must be attached to the inside of the gate so that the framework cannot be used as a ladder.

6) As discussed above, perimeter fencing must be installed around the entire subject property. No Variance is required for 8-foot fencing (above ground) with two (2) foot tip out (to prevent animals from escaping) on the respective property lines provided a Commercial Building Permit is first approved for it.

J. All animal enclosures must be located inside of the secondary perimeter fence. Wolves, wolf hybrids, bobcats, cougars, and similar animals that are a threat to humans must at all times be housed in 6-sided fenced enclosures. All enclosures must contain a shelter from the elements and must provide adequate drainage to allow animals to find dry ground in wet conditions. Enclosures must contain enough vegetation and ground cover to provide the animal with shade, hiding places and grass to eat. However, no trees or bushes shall be located too close to the fence.

K. The applicant/landowner must comply with the following standards for **animal runs**:

   1) All animal runs must be located inside of the secondary perimeter fence.

   2) There must be **perimeter checks of the wolves' daytime enclosures** daily to look for vulnerability, including fallen trees, damage or tunnels by animals, broken fence or wiring, etc. These daily inspections should be reported in a daily log and along with any work plans to complete needed repairs. Emergency repairs should be fixed immediately. These daily logs must be made available to city or county officials upon request.

L. The applicant must hire **a ISA Certified Arborist a minimum of 3 times per year** to evaluate the trees along the fence lines (internally and external to the property). Evaluations and the action necessary to mitigate the hazard must be paid for by POTH. All records related to arborist reports, mitigation requirements, and repair work must be available to the county and city upon request.

M. The applicant/landowner must install both motion detected lights that monitor the area within the perimeter fencing and surveillance video equipment that automatically alerts the facility's manager via cell phone of movement within the perimeter fencing and/or encroachment by an animals within.

N. Electronic surveillance measures must be used at all times by staff to monitor the operation remotely from afar during afterhours, weekends, and holidays.

O. The wildlife preserve must be manned at all times. When the facility is closed, a caretaker must be present on the property

P. When wolves, wolf hybrids, bobcats, cougars, or similar animals that are a threat to humans are allowed outside of their 6-sided enclosures into fenced in run areas, GPS, VHF, or similar tracking collars must be placed on the animals.

Q. The applicant/landowner must comply with all USDA requirements. Should there be a conflict in what the USDA requires, the applicant/landowner must contact Skagit County Planning & Development Services Department to coordinate the appropriate response.

R. There is no maximum number of animals that Predators of the Heart may house onsite provided they meet all USDA standards/requirements and Skagit County Code including but not limited to Chapter 7.04 regulating potentially dangerous wild animals.

S. Following Special Use Permit approval, the applicant/landowner must provide Skagit County Planning & Development Services and the City of Anacortes' Parks and Recreation Department with a revised site plan that shows including but not limited to:

1) Location of all property corners/lines for the subject property

2) Location of the 2 required perimeter fences

3) Location of all double fenced entrances and gates

4) Location of all animal enclosures. Identify what animal species are where.

5) Location of all existing structures (and proposed) onsite including any caretaker Residence

6) Location of onsite parking for staff and guests

7) Location of any onsite critical areas, associated buffers, and/or protected critical area assessment easement (PCAE)

T. Development must comply with all requirements of the Skagit County Planning & Development Service's Building Division including but not limited to:

1) All structures – (Buildings under a 120 Square Feet with heat or plumbing, All Buildings structures over 120 S.F, Cages, Fences over **7' tall**, containers) requires a building permit and engineering.

2) Permanent restrooms are required on site for employees and guest.

U. Outdoor burning: The applicant must follow safe outdoor burning protocol along with seasonal burn bans.

V. Operation limitations: The applicant must not engage in any unsafe practices involving wolves or similar carnivorous animals.

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 days from the date of the publication below.

Written comments must be received no later than 4:30 PM on: **November 18, 2022**

Email correspondence ***will not*** *be accepted,* however comments may be submitted via the PDS website under the "*recent legal notices*" tab. (www.skagitcounty.net/pdscomments)

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with the Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the closing of the above-described comment period.

Appeals must be submitted no later than: **December 2, 2022**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services

CONTACT PERSON: Kevin Cricchio, Senior Planner

MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273

PHONE: (360) 416-1423

Date: **November 1, 2022** Signature: **Kevin Cricchio**, AICP
On behalf of Hal Hart, Planning & Development Services Dept. Director

CC: Skagit County Public Works Department, Fire Marshall, Stormwater Review, Critical Area Review, Water Resources Review, Skagit County Public Health, NW Clean Air Agency, City of Anacortes, WDOE, WDFW, WDNR, DAHP, WSDOT, Samish Indian Nation, Swinomish Indian Tribal Community, Skagit River Systems Coop, Parties of Record, & SEPA Register

Date Transmitted to Skagit Valley Herald: November 1, 2022

Please Publish in the Skagit Valley Herald: November 3, 2022

POTH.kevinc.11.04.22

PL22-0577
RECEIVED
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SKAGIT COUNTY
PDS

EXHIBIT B

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES
NOTICE OF DEVELOPMENT APPLICATION WITH OPTIONAL SEPA DNS:
For: Predators of the Heart
File Number: PL22-0133

Notice is hereby given that on **March 23, 2022**, the applicant applied for a Special Use Permit application to permit an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property. The subject property lies within the Rural Reserve zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps. The subject application was deemed **complete on April 15, 2022.**

Applicant/ Contact: Ashley Carr, 6128 Parkside Drive, Anacortes, Washington 98221

Landowner: Predators of the Heart, 4709 Welch Lane, Anacortes, Washington 98221

Project Location: The subject property is addressed as 4709 Welch Lane, Anacortes, Washington, and is located in a portion of Section 35; Township 35 North; Range 01 East; Willamette Meridian, situated in unincorporated Skagit County, Washington (Parcel #: P128398).

Public Comment Period: Written comments must be received no later than **4:30 PM on May 6, 2022**. Email correspondence **will not be accepted**. However, comments may be submitted via the PDS website under the "recent legal notices" tab. (www.skagitcounty.net/pdscomments).

Required Project Permits/Approvals: The following permits/approvals may be required in addition to the above: Critical Area Review, Commercial Building Permit, etc.

SEPA Review: Based on the submitted application and available information, the County anticipates issuing an MDNS for this proposal and the optional DNS process as specified in WAC 197-11-355 is being utilized. Consequently, this may be the only opportunity to comment on the environmental impacts of this proposal. A copy of the subsequent SEPA threshold determination for the proposal may be obtained upon request.

Existing Environmental Documents: A Special Use Permit application, Environmental checklist, site plan, and other application materials are on file with Skagit County Planning and Development Services. This information is available to the public on request.

Public Hearing: A public hearing before the Skagit County Hearing Examiner will be scheduled in the future in the Board of County Commissioners Hearing Room located at 1800 Continental Place, Mount Vernon, Washington, for the purpose of determining whether the Hearing Examiner should approve, modify and approve or deny the application as soon as all reviews are completed. Public notification of the hearing will be made consistent with Skagit County Code 14.06.150(3).

How to become a party of record: You may become a party of record by submitting written comments, including a (USPS) mailing address, to the Skagit County Planning & Development Services Department at the address listed below. Any person desiring to express his or her views or to be notified of the action taken on this application should be **in writing** within the fifteen (15) day comment period.

Questions about this proposal, requests to receive future notices of hearings and/or the decision, once

made, and/or appeal procedures should be directed to the contact person listed below. The application and complete case file are available for review at the Skagit County Planning & Development Services Department located at 1800 Continental Place, Mount Vernon, WA 98273. A decision on this application will be made within 120 days from the date of completeness.

For Project Information: Kevin Cricchio, AICP, Senior Planner; Phone: (360) 416-1423; Email: kcricchio@co.skagit.wa.us; Skagit County Planning & Development Services, 1800 Continental Place, Mount Vernon, WA 98273

CC: Public Works Department, Fire Marshall, Stormwater Review, Critical Area Review, Water Resources Review, Public Health, NW Clean Air Agency, City of Anacortes, WDOE, WDFW, WDNR, DAHP, WSDOT, Samish Indian Nation, Swinomish Indian Tribal Community, Skagit River Systems Coop, & SEPA Register

Date Transmitted to Skagit Valley Herald & Emailed to Applicant: April 19, 2022

Date Published in Skagit Valley Herald: April 21, 2022

- **A narrative that includes numbered responses to the following:**
  1. **Describe your proposal/business.**

Predators of the Heart (POTH), a 501(c)(3) organization, has been a part of the Anacortes and Skagit County community for over twenty-three (23) years. Our chief consideration is safety, and we aim to educate the community about animals as described below as well as to serve local agencies (i.e. local animal control, Department of Fish and Wildlife (DFW) and other federal agencies such as the military and United States Department of Agriculture) to be a rescue and a resource for their needs.

(a) Safety

Safety is our primary concern. Our processes, procedures and protocols have been vetted by local (Anacortes) Animal Control, United States Department of Agriculture and DFW. We are routinely inspected (both scheduled and at random). Our most recent inspection was on **September 23,2021** A common misconception is that our wolves are rescues—they are not. Our wolves are bred, and are taught/trained to be "ambassador" wolves—they help the general population to understand humans and are introduced to them at an early stage of their life. At one point, POTH was receiving so-called "big cats" as rescues, but will be phasing out big cats.

In any event, we have worked closely with DFW, the USDA and local agencies, including Skagit County animal control, to ensure an exceedingly safe environment. In 23 years, we have had only one escape, and that escape was mitigated—the wolves were captured in under 30 minutes. That instance was likely instigated by a leashless dog (a major problem on the trails), and, as a result, the wolf that was responsible for the escape has since been euthanized. Again: POTH takes the safety of the community very seriously and put the wolf down in an abundance of caution.

As outlined below, our wolves and other animals (including, but not limited to, predatory animals) are kept in six-sided enclosures overnight. This means that they cannot dig out or jump out of the enclosure. On the wolf-runs, we have layered fences: at least two "layers" with one of the fences being "hot" or electrified. The outer "runs" also have 6-8 foot "dig outs" which also disallows the wolves from jumping over any fencing. There are additional plans to increase the fencing by adding overhangs onto the existing fencing to further protect the wolves and neighboring properties.

(b) Education

For over 20 years, POTH has been educating all ages: from church functions to school assemblies to private tours, POTH has built a reputation in the community by educating individuals on the animals themselves, the local ecosystem(s), the essential nature of animals in the Pacific Northwest, wildlife preservation, and children. More recently, POTH has assisted the Make-a-Wish Foundation with children who are gravely ill experience wildlife in a safe and secure manner.

POTH has diligently served the community and has been a resource of information, which is why it also is a resource for local law enforcement, the nearby military base, the USDA and DFW, to name only a few. POTH works to explain to its guests and the broader community the importance of these animals and the role they play in the PNW ecosystem, and in particular the ecosystem of Skagit and surrounding counties. As a result, children and adults have a greater understanding and appreciation not only of the animals and the role that they play in the ecosystem, but of their impact (and ours) on the world around us. These lessons lead to greater efforts in wildlife preservation and conservation.

(c) Rescue

As noted above, POTH also serves as a critical resource for local animal control agencies (most recently, Pierce County, Thurston, King and Snohomish) the military, local law enforcement, DFW and USDA. Each of these agencies trusts POTH's ability to safely and securely house these animals, and care for them for the duration of their lives if necessary. While we do limit the number of animals that we take in, POTH strives to continue to build those relationships. We have partnered with the aforementioned agencies and have become a vital resource to the community as a result.

As an example: POTH was recently contacted by the military to assist with a wild animal on the base at Oak Harbor. Our team worked overnight with military agencies to detain the animal safely and securely and house it.

Within the last month, Pierce County animal control received over 10 birds due to a seizure operation. POTH was a resource available to the Pierce County animal control, assisting in containing these birds, but also housing, feeding and caring for the birds while the investigation continues. Without POTH, the seizure could not have taken place and the animals likely would have been euthanized.

Often, after these investigations are complete, the animals have nowhere to go. If not for POTH and its efforts, the animals would almost certainly be euthanized. POTH also advises and assists in the re-homing process, which alleviates the stress that would be added to local government regarding finding suitable homes for these animals. POTH takes great pride in serving local, state and federal agencies in this way and looks forward to continuing to do so.

POTH has also been reached out to by the general public. We were recently contacted by an elderly woman who was suffering with CPOD. She called stating she was no longer capable to provide the proper care for her 30-year-old blue and gold macaw and 2 cockatiels. POTH came to her home and was able to help her by taking the birds into our care, providing them with much needed medical care. We now can take the time needed to ensure the birds are in good health taking the proper steps to find them the suitable forever home.

Animal controls will often refer POTH to citizens who may own animals illegally. Authorities will often give them 2 weeks to rehome the animal to a qualified sanctuary before pressing charges. We recently were surrendered an american alligator and a 14-year-old bobcat from the recommendation of Pierce County Animal Control. The animals would have been euthanized if POTH could not have provided them with the properly permitted forever home.

As a point of emphasis: none of the wolves housed by POTH are rescues. They are all bred for the purpose of wildlife education, and, from a very early age, are exposed to humans to be "ambassador" wolves.

We provide them to sanctuaries and re-introduction programs, a critical part of the PNW conservation and naturalization efforts, preserving and building the PNW ecosystem—their reintroduction builds the PNW ecosystem by allowing other species to thrive. We are all connected, and this sanctuary reminds our guests of that.

- Predators of the Heart (POTH) has been a 501(c)3 non-profit organization since 1998. We have traveled to schools and libraries within our community and outside of Skagit County, educating young and old alike for the last 23 years. POTH has been dedicated to helping all species of exotic animals who, for various reasons, are without a place to live the rest of their lives. We are USDA certified, inspected, and insured and have met

all USDA caging standards and guidelines. We not only have provided proper housing to these exotic animals, but we pride ourselves on wildlife education. Many of the animals saved by POTH are used as ambassadors to further instruction regarding the importance of their species and the need for conservation. Our goal is to reach the hearts of people and leave them with a new appreciation for wildlife and its importance. Our current private tour, "Howling with Ambassadors", has been Federally approved by the USDA. They have joined our tours and have set the guidelines we follow as USDA Class C exhibitors, to safely provide a life-changing educational program to outside people 18 or older. POTH has had the opportunity of sharing our educational experience with many Skagit County residence in the last several years. The Skagit County community who has visited our compound have become supporter of POTH and the work we do, seeing the value we bring to this community.

Being the fourth generation of the Anacortes community, POTH's president, Ashley Carr, personally strives to give back to this beautiful community. We now offer virtual tours to our local school districts, homeschooling programs, boys and girls clubs, and boy and girl scouts, to educate our young people on how each animal plays a vital role in the web of life. We also support our local companies such as a T-Shirt by Design, which does all our printing and embroidery for our merchandise, Lake Side Industries, for any rock and gravel needs, STS, for any tree removal or clean-up, are just a few of many local companies that we use to better our business. We also provide a brochure that has the local restaurants and things to do in our Anacortes. We can send up to 120 new people through our small town each week. Utilizing our hotels, local restaurants, other experiences, and sightseeing of our amazing parks. POTH brings great value to our small business and community.

2. **Describe what days and hours will your operation be open.**
   - POTH operates Monday- Saturday through private tours only. We offer two tours a day, 10 am-12 pm and 1 pm-3 pm. We limit the number of people who can come to our onsite tours to small groups of 10 people each tour. POTH is closed for tours on Sunday, but animals are maintained and fed according to their feeding schedule(s).
3. **How many employees will you have?**
   - 5-10 employees. POTH currently has five employees, including its offsite bookkeeper.
4. **What will your employees' working hours be?**
   - 7:30 am-4 pm Monday-Saturday ((depending on the day); POTH is closed for tours on Sunday, but animals are cared for on Sundays. (DISCUSS WE DO NOT FED SUNDAYS IT IS THEIR DAY OF REST TOO)
5. **Will employees work on site?**
   - Yes, with the exception of our bookkeeper, our employees will be working on site of 4709 Welch Lane, Anacortes, WA 98221.
6. **How many employees will work off-site?**
   - 1 employee who will work off-site is our bookkeeper.
7. **Describe the location and size of any signs you propose to advertise your operation.**
   - We currently are not actively advertising. When we do advertise, it will be online advertising through our website, Airbnb, and social media.
8. **How do you propose to screen your operation from public view? E.g., plants, shrubs, fences.**
   - We are currently a very private property. Our property is in a very remote location with minimal traffic. We have extensive fencing that is currently being extended; blackout covering will be added shortly. Additionally, our plans are to add "set-backs" from the fence an additional 6-8 feet with an additional perimeter fence. This would reduce the

likelihood of off-leash dogs or other animals being able to antagonize and/or cause anxiety for any of the POTH animals, including the wolves.

9. **Describe your proposed parking area.**
   - POTH has a small parking space already that will fit 7-10 cars on site. There are no current plans to change the parking spaces.
10. **Describe your schedule, including any phasing, for the development of your operation.**
   - POTH has plans to do extensive fencing, as noted above. POTH intends to create additional set-backs (also known as "perimeter fencing") and add blackout covering to existing fencing, moving wolf enclosures to a centralized area. Currently, the wolves are in six-sided fencing overnight, which means that they cannot escape by digging. Centralizing our wolf-enclosures will reduce their anxiety, create a more tranquil environment for them. POTH currently also has extensive security fencing, including so-called "hot" fences (i.e. electric fences). Other phased construction will include adding glass enclosures for other reptiles to benefit our guests and the public in the educational process.
11. **Describe the expected traffic impact of your operation on public roads.**
   - Generally, we see about 5-10 cars a day, including employees. Private groups that have visited POTH generally come together, and we limit the number of people allowed on site at any one time.
12. **Describe any internal road system your operation will have.**
   - In our compound, we have a turnaround and parking
   - 
13. **Describe how your operation will be accessed.**
   - Security is a critical component of our operation. We have extensive fencing, which has been thoroughly vetted by local, state and federal authorities. This includes dig-outs as well as electric fencing that is always operational. Our gate system is a locked remote open, chain-linked fence. The only time our gate is open is when employees enter or our guests are let in by staff. The general public have no way to enter the property with a vehicle unless the gate is opened by our staff. The gate is only opened at the time of tour to allow entry to allow guests access to the property. To enter the compound you turn off Havekost Rd, onto Welch Lane Rd. At the end of the Welch Lane there is access to our gravel easement road. The easement road is approximately 400 feet long and leads you to our locked gate. There is a ditch for drainage on either side of the easement road. There are no other access roads that lead into our compound.
14. **Describe any heat from machinery or equipment that your operation will generate.**
   - N/A
15. **Describe any noise your operation will generate.**
   - POTH has been on this property since 2001 and has never had a complaint about the noise, which would be the occasional wolf howling. Even with groups on site, the property is exceedingly quiet.

16. **Describe any odors your operation will generate.**
    - None.
17. **Describe any steam, smoke, or dust your operation will generate.**
    - None.
18. **Describe any vibrations your operation will generate.**
    - None.
19. **Describe any heavy equipment or machinery your operation will use.**
    - None.
20. **Describe any chemicals, waste oil, solvents, fuel, etc, your operation will store.**
    - None.
21. **Describe your plan for disposal of any chemicals.**
    - No chemicals are used, as this is an animal sanctuary. As a result, no chemicals are produced, used or generated and, further, no disposal is necessary. Animal remains are disposed of via humane methods; animal carcasses are generally cremated at Evergreen Pet Cremation in Oak Harbor, WA
22. **Describe your plans to prevent trespassing by employees, customers, or visitors to adjoining property.**
    - There is extensive fencing that covers the areas of operations. Not only has POTH posted conspicuous signage at all areas of access on the property, but the property is also fully fenced, including multiple layers of fencing, hot-fencing (interior) and dig-outs to prevent animal escapes. The fully fenced areas are to ensure the safety of animals and the public. At night, the wolves are secured in six-sided enclosures, meaning they cannot dig out of their enclosures. All guests on tours remain with an employee from the time of check-in to check-out to ensure no trespassing onto the adjoining properties. Property lines are clearly marked by fencing and or markers to ensure there is no confusion by employees or neighbors. There are only 2 adjoining properties, Welch easement, and Johnson's estate. The back half of the property is adjoining to parklands and no trespassing signs have been posted clearly for outside hikers. There are additional plans to add additional fencing between the trails and the property to prevent hikers or other individuals from trespassing onto the POTH property.
23. **If your operation will use a building please describe the size, height and construction type. This building must be**
    - 12x12 Gift Shop which was permitted by Skagit county. The retail building is the only permanently installed improvement that is recognized by the Skagit County assessor. It has 220 square feet and is secured to a post and beam foundation. It was constructed in 2017 under a building permit and is attached to a semi-truck trailer and a steel cargo shipping container which are both parked side-by-side.
    - shown on the site plan.
    - 



24. **Describe the sewage disposal plan for employees and the public.**
    - 2 outhouses pumped biweekly by diamond rentals. In 2019, Septic # 60998, a 2 compartment, with 1750 tank, gravity flow, was installed at hilltop homesite area. (See map above).
25. **Describe the water supply for employees and the public.**
    - We have one mainline coming in. We have one handwashing station for visitors and employees. Because we limit the number of guests at any one time, the one handwashing station is sufficient for our guests and is accessible by both employees at guests at any given time. Bottled water is provided to guests.
26. **Address any fire flow issues.**
    - There are no fire flow issues.

- ♦ A narrative that includes numbered responses to the following General Special Use Permit Evaluation Criteria.[2] The burden of proof is on the applicant to provide evidence that the use complies with the criteria.

1. **Demonstrate that the proposed use is compatible with the neighboring properties.**
    - POTH has been in operation on this parcel since 2001. We are USDA certified and inspected. We have met all Federal guidelines that are required to house exotic animals. Our facility was inspected in January 2022 and passed all requirements needed to operate. POTH has been approved by USDA to do our wolf encounters. USDA officials have joined in on tours and approved our current program deeming it safe and have met all USDA guidelines of wildlife exhibiting. POTH is a class C exhibitor and holds the highest USDA license available.
    - Pictures above show that neighboring properties are a great distance from each other. There is not only fencing dividing our properties, but the Welch easement is separating us from neighbors.
    - To reiterate: POTH has been on the property for the last 23 years with only one incident of wolf escape. That issue has been rectified and resolved; the wolf itself was euthanized of the escape, which, again, was likely caused by provocation of an off-leash animal roaming the neighborhood. We have since moved all of the wolves into six-sided enclosures so that escapes are not possible in the evening and morning hours when staff are not on-site. Extensive camera systems have been implemented, and fencing has been bolstered.
2. **Demonstrate that the proposed use complies with Skagit County Code. Please cite code section.**

POTH falls under the exemptions of Washington State RCW 16.30.020 (c). POTH is a duly incorporated nonprofit animal protection organization (such as humane societies and shelters), and houses animals at the written request of the animal control authority. POTH currently houses dozens of animals at the request of municipal and county

animal control(s), the United States military and the USDA. Under RCW 16.20.020, POTH displays animals at state fair(s) approved by the Washington Department of Agriculture pursuant to RCW 15.76 and/or RCW 36.37. This exemption affords POTH opportunities to house and maintain exotic animals. Skagit County's animal law is based on the state dangerous wild animal law, which also prohibits ownership of potentially dangerous wild animals. Animals possessed in violation of these laws must be taken to an appropriate facility; RCW 77.15.250 prohibits the release of deleterious exotic wildlife into the wild.

3. **Demonstrate that the proposed use will not create undue noise, odor, heat, vibration, and air or water pollution on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.**
    - POTH disposes of all animal waste biweekly through trash service. All waste, meat products, and trash are bagged and disposed of properly in accordance with local, state and federal law and guidelines. However, POTH has had issue(s) with local neighbors disposing of chicken and pig waste near its property line frequently.
    - POTH has been located on the property and doing business as a USDA certified wildlife sanctuary, 501(c)3 non-profit, since 2001.Since that time, there have been no noise, odor, heat, vibration, air or water pollution complaints. POTH has sought to partner with the community to ensure the safety of the community and well-being of its inhabitants, mitigating traffic on its own and ensuring that there are and will not be any undue noise, odor(s), heat, vibration, air or water pollution in accordance with SCC 14.16.840. As a wildlife sanctuary, POTH endeavors to keep the land as natural as possible for the animals and the community. .
4. **Demonstrate that the proposed use will not generate intrusions on privacy of surrounding uses.**
    - POTH sends all guests very clear and specific guidelines/directions when they book a private tour on how to get to our property. We have installed 3 small signs to help give directions to our property and prevent guests from mistakenly going to surrounding properties. When guests enter our property gates are closed until the end of the tour. Guests remain on our property from start to finish. Message sent to guests; Good morning, please help us respect our neighbors by following directions to our property! As you come down Welch Lane you will see our Airbnb sign on the back of stop sign telling you to continue straight. As you continue straight you will see a nice, paved road to a beautiful gate on left, THAT IS NOT OURS! (PLEASE DO NOT RING THE BELL ON THIS GATE!!!) Continue straight onto a gravel road where you will see another Airbnb sign is posted. As you pull onto gravel road you will take your immediate left and follow that road all the way to the end. (Sign will have Arrow pointing you in the right direction) By following these directions you will help us help our neighbors by respecting their private properties!
5. **Demonstrate that proposed use will not cause potential adverse effects on the general public health, safety, and welfare.**
    - POTH currently has multi-layered fencing installed to keep the general public out of our facilities. This includes: 8-foot fencing with "dig-outs" as well as additional six-foot fencing to provide a double layer of fencing so that wolves cannot escape. All of our predatory animals, including wolves, are kept in six-sided enclosures overnight so that they cannot escape—this means that there are fences above and below the animals so they cannot dig out or jump out of the enclosure. Our main point of entry has an automatic locking gate with code entry only. We have a 32-camera security system installed to help keep watch on all animals and points of entry. All animals are under a double and triple locking system when staff is completed with their day. POTH would

like to get the property fenced in its entirety and relocate the wolves to a central area within the property. We take public safety very seriously and have met all USDA guidelines along with any request made by Skagit County Animal Control.

6. **For special uses in the Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL zones, demonstrate that the impacts on long-term natural resource management and production will be minimized.**
   - POTH has always and will always strive to keep the land as natural as possible, which will allow for the most give the animals their most tranquil and ecologically similar environment. Keeping the land as native as possible and preserving it's natural state will thoroughly benefit the animals and, as stated, will allow our guests to be most closely immersed in what the natural habitat would be like for these animals. We intend to keep as many of the beautiful, native trees to act as natural buffers on our property, with plans to "top" any dead or dying trees that might cause potential danger to animal enclosures, perimeter fencing, neighboring properties and guests. Our trees are regularly inspected by an arborist to ensure maximum safety. For every tree that is removed or "topped", POTH plants a new tree to ensure the continual growth and renewal of the land's natural state. As soon as is feasible, POTH intends to migrate its energy consumption to solar power in order to reduce its carbon footprint as much as possible.
7. **Demonstrate that the proposed use is not in conflict with the health and safety of the community.**
   - For 23 years POTH has been doing school assemblies, county/state fairs, providing a safe place for animals to go for animal control for several counties. POTH has been USDA certified, inspected, and insured for over 20 years. We have USDA-approved facilities and have met all requirements on a federal level and state level. POTH is constantly making improvements to the facilities to better the animals' lives and ensure the safety of our community. We have also met all requirements set out by Skagit County Animal Control. POTH is regularly inspected by federal authorities, most recently in September, as well as state and local authorities.
8. **Demonstrate that the proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.**
   - As explained above, POTH has been and will continue to be a vital resource for local law enforcement, military, animal control(s), DFW, and other government entities. These entities confiscate animals, such as cougars, alligators, and other exotic animals and, without organizations like POTH, would have to simply kill these animals. Having POTH as a resource allows these animals to remain alive, and further, providing an educational service to the community. Our facility only brings value to the surrounding areas and community. We bring in tourists from all over the United States and the world before COVID. We recommend our local restaurants, hotels and parks to up to 20 people a day, 6 days a week. We also provide a resource of education to our local schools, boys and girls clubs, girl scouts, and boy scouts.
9. **Demonstrate the proposed use will maintain the character, landscape, and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts. Nothing has changed and we have tried to keep the rural settings for our business**
   - Again, POTH's goal is to keep the land as natural as possible, keeping the beautiful buffer of trees, plants and other vegetation that surround it. In a world that is driven by development, POTH's property is being used to preserve the natural habitat of the land, and will continue to do so. This is in stark contrast with a developer or other builder that might intend to simply tear down the trees, vegetation and shrubbery. We do plan to top any dead trees that may cause potential danger to enclosures, perimeter fencing, or

neighbor's properties, but, as noted above, re-plant any tree that is removed due to its death or topping. Our goal is to ensure the land stays beautiful and forested as intended. There is no other business in close proximity to our non-profit 501(c)3. We will be keeping the Rural setting for our business as much as possible and will continue to do so as long as our operations can continue.

Additional Questions requested

A. **Please describe/outline in detail what regulations the operation is required to comply with and how the operation is, or will be, run in accordance with those regulations.**

POTH has been in operation on this parcel since 2001. We are USDA certified and inspected regularly. We have met all Federal guidelines that are required to house exotic animals. Our facility was inspected in September 2021 and passed all requirements needed to operate. POTH has been approved by USDA to house and exhibit wolves. USDA officials have joined in on tours and approved our current program deeming it safe and have met all USDA guidelines of wildlife exhibiting. POTH is a class C exhibitor and holds the highest USDA license available. POTH also operates according to the exemptions of Washington State RCW 16.30.020 (c), which allows for an incorporated nonprofit to house animals at the written request of animal control (or an authority acting as animal control, such as a sheriff or local law enforcement agency). **(POTH houses several animals at written request and turned over by Animal control directly)** POTH also falls under RCW 16.30.020 (l) A person displaying animals at a fair approved by the Washington department of agriculture pursuant to chapter **15.76** or **36.37** RCW; **(POTH completes at least one State fair yearly to comply with current RCW Codes of exemption).**

B. **What safety protocols do you have in place and how do they comply with the USDA regulations.**
POTH meets all the USDA safety protocols and is required on a federal level to comply with the regulations set by the USDA. POTH has developed extensive safety protocols and procedures regarding who can handle the animals, feeding and maintenance schedules, behavioral procedures regarding predatory animals (i.e. wolves, cougars and venomous snakes), escape procedures, severe weather procedures regarding animal care and husbandry, veterinary care procedures and protocols and apparel and dress protocols. See attached Exhibit A, "Safety Protocols & Procedures". Note: the attachment is not an exhaustive list of our protocols and procedures but are available upon request for Skagit County review.

C. **Please provide a list of the types and number of animals currently on site and what types and amounts of animals may be proposed on site for the future.**

Current animals at POTH:
Mammals: 3 cougars, 2 bobcats, 24 wolfdogs, 3 sloths, 1 armadillo, 2 opossums, 1 coatimundi, 2 marmosets, 1 fox, 1 giant anteater, 1 north American porcupine, 1 stripe skunk, 1 hooded skunk, 3 sloths, 2 kinkajous, 4 raccoons
Birds: 1 Eurasian eagle owl, 1 vulture, 2 ducks, 1 lady Amherst pheasant, 2 golden pheasants, 3 blue and gold macaw, 2 military macaw, 1 Catalina macaw, 6 sulfur-crested cockatoos, 1 citron cockatoo, 1 lord Darby, 6 plum head parakeets, 1 blue fronted amazon, 1 double yellow amazon, 20 parakeets, 2 cockatiels, 1 emu
Reptiles: 5 alligators, blue tongue skink, Savanah monitor, 2 iguanas, 2 reticulated pythons, 4 ball pythons, 1 rattle snake, 1 carpet python, 1 rainbow boa, 1 albino python, 1 blood python, 1 caiman lizard, 1 beaded lizard, 2 Burmese pythons, 4 sulcata tortoises, 2 red footed tortoises

Prediction to be onsite in future: We cannot predict what will be onsite in future. We can say it will be in the category of smaller mammals, small/mid-size cats, birds and reptiles. We do not ever know the

requests that will be made by Animal Control, Fish and Wildlife and outside governmental agencies. We do not take in outside adult wolves or big cats.

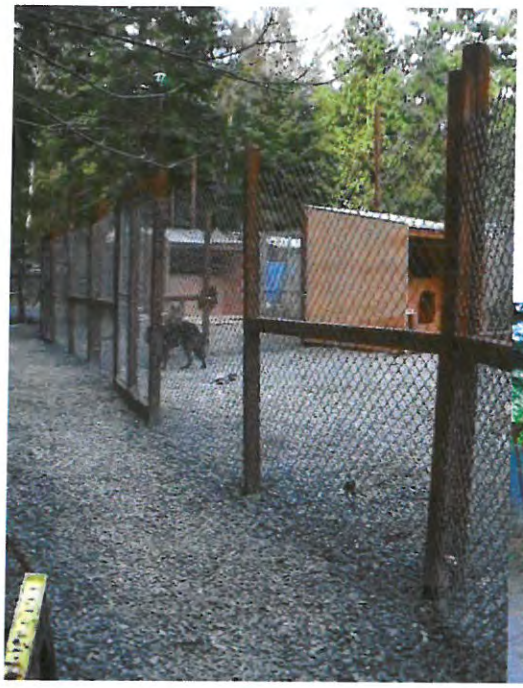
D. **Describe in detail how the animals are kept: Types and location of enclosures, fencing (length, height, location, etc.), amount of area required for each (i.e., square footage, acreage?) and what amount of area is currently provided for each.**

ALL ENCLOUSURES ARE UNDER LOCK AND KEY PADLOCK SYSTEM. Each animal caging requirement is different depending on species, but is in full compliance with USDA regulations as well as animal control and DFW guidelines -All small mammals have 6 sided enclosures. This means bottom of enclosures are lined with a wire mesh or chain-link and they are topped. All small mammal enclosures have a 6' with tilt in perimeter fence that with at least a 3' walkway in between enclosure and perimeter per USDA requirements.





-All wolf enclosures are at least 6'-8' high. Our post and stretch fencing is 6' and our chain-link panel are 8' high with electric wire running top and middle and bottom. Wolves in our bottom part of our compound have 6' fencing with a 6' perimeter fence with 1.5' tilt ins. Wolves in bigger 1–2-acre runs are 6' high with 1' tilt in's and a 3-strand hot fence system 8-9 volt. Wolves are put away into night runs when staff is unavailable to supervise in bigger runs. All night runs are 24'x24'x8' with cattle panel bottoms, chain-link tops with solid roof tops. All night runs placed within the acer runs act as permitter fence for night runs. Both permitter doors and cage doors are locked with padlocks. This is more than is required by the USDA.





-3 cougar enclosures and 1 bobcat enclosure are 24'x36' each. They all have chain-link roof. Per USDA guidelines all cat enclosures must have a covered walkway /perimeter fence. All cats have a 3' walkway all the way around enclosures that is topped. It also includes an additional 6' with tilt in perimeter fence for extra safety.



-Bird flights are chain-link and topped. No dig outs are required for these enclosures.



- South American Trailer- Sloths, armadillo, kinkajous and tortoises are kept in a 40' mortified insulated container. This ensures that temperatures remain over 80 degrees as each animal housed in this facility requires that temperament for survival.



- Reptile house. Reptile house is another 40' refer unit and contains wooden enclosures with glass fronts and consist of all sizes to accommodate species of snakes or lizards. Reptile house temperature is always set at 82 degrees. The main heat source is propane furnaces. Some reptiles require UVB lighting and cages are set up to accommodate the special lights needed.



- E. **Describe how the animals are cared for. When and how often are they fed and what the food source is. When and how often are they inspected by a veterinarian and does that take place on or off site. How often are the enclosures cleaned?**

POTH has a staff that cares for these animals daily. All animals' enclosures are cleaned daily. Mammals and birds are fed daily Monday-Saturday and fasted on Sunday. Reptiles are on a strict feeding schedule according to their species requirements. Food comes from our donors of Walmart, Chief Store, Del Fox Meats and local farmers. As many of our animals come to us as rescues and require specialized diets, we also purchase supplement foods from Mazuri Exotic Foods, Chewy, Rodent Pro, Costco, Amazon and other exotic animal food sources. All animals are inspected by veterinarian at least 1 time a year, unless medical attention is needed. Animals are both seen by a veterinarian on and offsite depending on medical reason.

F. **Describe how the waste is handled. How and where is it disposed of? How often is it disposed of?**

POTH disposes of all animal waste biweekly through trash service waste management. All waste, meat products, and trash are bagged and disposed of properly and in accordance with local, state and federal law.

LETTERS OF RECOMMENDATION:

February 4, 2022

CITY OF ANACORTES

Matt Miller, Mayor - Personal
Planning,Community & Economic Development
City Council
Administrative Services
Public Works
Anacortes Parks & Recreation
City Attorney

Anacortes Chamber of Commerce

This letter is being written in connection with "Predators of the Heart" a non-profit sanctuary for wolves and other animals located near Anacortes, Washington in Skagit County Washington.

It is my understanding that Predators of the Heart its endeavoring to update and/or acquire permits for the facility and they have been met with some resistance.

My wife and I have lived in Anacortes for over 20 years. I presently live very close to Predators of the Heart facility. During my ENTIRE time living in Anacortes I have-not heard any adverse or negative statements concerning Predators of the Heart!

I did not know of the existence of Predators of the Heart until approximately 5 years ago when I received a telephone call from my granddaughter (Chloe) who lives in Ohio asking why i did not take her to see the wolves in Anacortes. I told her that I did not know about it and would certainly take her and family to Predators of the Heart on their next visit providing was safe etc.

My investigation found the facility to be safe, educational, and an opportunity to expand one's knowledge through face to face interaction with the wolves and other animals. We, my family from Ohio visited the sanctuary on their very next trip from Ohio which was a very short time after the call from my granddaughter.

Have visited the Predators of the Heart site several times since learning of existence! Each time I have found the facility to be in exceptional condition, safe, and in constant upgrading to ensure future safety for both the animals in the complex and the adjacent public. On each visit the staff was a class act.

I know our government has regulations and procedures in place that require a non-profit animal sanctuary to meet and maintain high standards and is subject to frequent audits. Since

Predators of the Heart has been in existence for over 20 years - it has obviously met the requirements.

What a huge opportunity "Predators of the Heart" is for educational purposes for our local community!

It also adds to our water endeavors, such as kayaking, whale watching, fishing and hiking etc. that our wonderful island offers. In addition, it generates revenue to the city of Anacortes when people visit and use/enjoy our restaurants, lodging, and shopping at our unique stores.

It is ironic, that I found the existence of Predators of the Heart because a Ohio couple on their honeymoon visited the facility - told my granddaughter how great it was - who called me and bawled me out for not taking her there - WOW what a powerful advertiser word of mouth is!!! "Predators of the Heart" is a WIN WIN for the City of Anacortes, Skagit County, and our entire local area!

It is very safe, in my opinion, and must have met all government regulations for the 20 plus years it has been in existence.

I ask for support from our city, county and whoever else to approve what is necessary to keep this wonderful educational, revenue generating and unique facility operating for the benefit of people in the future.

Thank you in advance for considering my first hand knowledge of "Predators of the Heart".

Sincerely,

Pete Nelson, Former General Director of Risk Management Department of a (self-insured) Large Corporation and Adjunct Instructor, Business Law and other business subjects at Skagit Valley College for 10 plus years

cc: Predators of the Heart

PREDATORS OF THE HEART ANACORTES

To: Ms. Ashley Carr, Administrative Manager

This letter is in regards to, "Predators of the Heart," a non-profit organization for animal conservation located in Skagit County, near Anacortes WA. This organization is also the host of "Wolf Encounters," an experience that provides visitors with an opportunity to spend time with the animals in an up-close and safe environment. As someone who has attended the Wolf Encounter experience and has interacted with the other animals at the site, I would like to share my experience with you.

My father has lived in Anacortes for over 20 years now and my family has made many trips from Ohio to visit and enjoy the beauty of the city and surrounding waters. We have whale watched, kayaked, hiked and hit the downtown shops and restaurants. About 5 years ago, my daughter who works at Goodyear Tire and Rubber Headquarters in Ohio, sent me a text demanding to know why we had never gone to Predators of the Heart! Apparently, a recently married co-worker and his wife went there while traveling the Pacific Northwest on their honeymoon. The reason was we didn't know it was there! Predators of the Heart sits in the woods near my dad's house, but he didn't know of it either. Of course, he scheduled a visit right away and loved every moment of it and we set up a tour on our next trip to see him. It was an experience we all talk about to this day! How else would you ever get an opportunity to touch, pet and get an up close interaction with a wolf (Max and his mom for us), sloths, albino skunks, a cougar and others? The tour was personal, educational and at NO time did any of us feel anything but safe!

We were in absolute awe of the animals and the work done there to allow others a small moment of that experience. It was truly amazing. I know my dad has returned and taken others since then to experience it with the same appreciation.

Apparently, the organization is facing scrutiny and the concerns of a few that its present location is unsafe. I would like to refute that by again saying it felt very safe for my family; I took my children there! On our visit we did the tour with a young couple from Seattle. This is where they go every year for a wedding anniversary gift, because of the love and respect they shared for the work. Since that time, I have made several charitable contributions to Predators of the Heart to offer something that supports the important work that they do. I believe it is important to appreciate wildlife as something more than a photo or a meal. The interaction with the animals should be personal to build respect and educational to foster true understanding of wildlife. This has been the mission of Predators.

I truly feel this place offers a rare opportunity for the Anacortes area. It is an attraction, the same as kayaking and whale watching, and brings people into a small town that otherwise might not be visited. People visit, they eat there and probably stay which is revenue for the local businesses and, most importantly, they leave and share their unique experience with others. It is truly a one of a kind adventure.

I would ask for the support of local and county decision makers in keeping this resource available to the general public. It is a jewel to the owners, and they take great care in the stewardship of it for all the right reasons.

Thank you in advance for your consideration of my thoughts and ask.

SINCERELY,

DANA NELSON, RN MN APRN CNS 3

PREDATORS OF THE HEART SPECIAL USE PERMIT PARCEL # P128398

Dear Mr. Mayor,

We write to you in support of Predators of the Heart (PH) which we understand is seeking a required permit from Skagit County. We are directing comments to your Office because we hear that the City is expressing opposition to PH's permit application on the grounds that there is lack of interest and support within the community.

We live in the County just outside Anacortes City Limits. We shop, of course in Aancortes, patronise local restaurants, many other businesses and amenities there. We are supporters of PH. Our immediate families live in Seattle and Atlanta, and it is their practice to rent facilities within Anacortes when they visit us. On several occasions, we have visited PH, and with our families too. It has always been a rewarding, informative, and uplifting experience. We ourselves are avid world travelers (and erstwhile trekkers); wild places and wild animals being our primary interests. PH fits well with our love of nature.

We hope our comments are useful, and, of course, would be happy to answer any questions you may have.

Respectfully, Hugh and Wendy Kendrick

11342 Mainsail Lane
Anacortes, WA 98221
360-293-0932

PREDATORS OF THE HEART SPECIAL USE PERMIT PARCEL # P128398

Colin & Deanna Emsley
2200 20th Place, Anacortes, WA 98221
360-333-2387
colinsmarine@gmail.com
emsley.deanna@gmail.com

Dear Recipient,

It is our sincere pleasure to enthusiastically recommend that Predators of the Heart be given permission to continue operating within Skagit County, and specifically within the vicinity of Anacortes.

We have been residents of Anacortes for nearly twenty years and have operated a tourist-oriented marine business during that entire time. We have witnessed time and time again the incredible impact that Predators of the Heart ("POTH") has on visitors to this area. Every group that we refer to POTH comes away absolutely spellbound by the experience. We have had clients make repeated trips back to Anacortes specifically so that they could incorporate a visit to POTH.

As residents who live less than 3-miles away from POTH, it is no surprise to us at all that everybody who visits the sanctuary is forever changed by the experience. The unique combination of animals at POTH, combined with the unparalleled ability to get such an intimate look into their lives, truly sets POTH apart.

Beyond the majesty of the animals themselves is the incomparable passion that the entire POTH team has for their critical dual mission of conservation and education. It is this dual mission more than anything else that truly sets POTH apart, and which in turn helps set Anacortes apart.

We beam with pride each time we refer our clients to POTH, and we relish our own visits to the sanctuary as often as possible.

Anacortes is always quick to tout its commitment to the natural playground within which it sits. A continued commitment to POTH is critical example of living up to that heritage and pledge.

Regards,

Colin & Deanna Emsley

SAFETY PROTOCOLS

(ANIMAL RECAPTURE PROTOCOLS)

INTRODUCTION

PURPOSE

Purpose is to properly house and exhibit exotic animals at POTH wildlife sanctuary/conservation located at 4709 Welch Lane, Anacortes, WA 98221. All POTH enclosures have met USDA guidelines and are designed for safe containment through housing, shifting, holding and transporting. However, no matter how well enclosures are designed, and safety protocols are followed, escape is a possibility. Therefore, POTH has created a "Safety Protocol" including an animal escape and recapture protocol. This is to ensure quick and safe recapture in the event of an animal escape. A safety guideline has been established to protect visitors, employees and neighbors from possible harm. Ensuring routine facility practices are reviewed to help prevent similar situations from occurring.

Our goal is to create this "Safety Protocol" to help prevent escapes and ensure proper training is given to staff on how to respond quickly and efficiently in case of an emergency. We accomplish this by providing clear guidelines, roles, responsibilities, procedures and tools needed in any situation. Our objective of the "Safety Protocols" is to provide the proper training, tools and drills ensuring best practices are accomplished. POTH will be performing at least 2 training drills a calendar year. This practice will ensure that staff can safely implement all aspects of a recapture plan should an escape occur.

ASSOCIATED EQUIPMENT

Blowpipe 180DM w/ Detachable Mouthpiece, CO2 Deluxe Pistol, Jab stick, Bear Spray, Blow Horn, Ruger EC9s 9MM (Concealed carrier license Ashley Carr, Danny Overman)

KEY DUTIES FOR OPERATION TIERS

TIER I (EXPERT HANDLER/MANAGEMENT)

Expert handlers have a minimum of 5 years of animal husbandry, handling, training and on the job experience. Expert handlers have been through big cat training and are USDA certified of POTH to handle big cats. POTH board of directors will determine if a staff member is qualified to be a tier I.

TIER II (INTERMEDIATE HANDLER)

Intermediate handlers at POTH must have 2 years of animal handling training or on the job experience. Intermediate handlers may handle all species of animals except for big cats (any exotic cat over 65lbs)

TIER III (BASIC HANDLER)

Basic handlers must have 6 months (40 hour work weeks) of on the job training with a tier II or tier I handler. The Basic Handler will perform tasks of feeding the animals, cleaning their living and sleeping areas, and other aspects of basic care. Animals for a tier III will help with wolf encounters under tier I or II supervision and start training in basic wolf behavior and handling.

TIER IV (HANDLER IN TRAINING)

Staff member in training before handling any animals. Must have 25 days of training before performing basic tasks without supervision. No animal handling will be performed without Tier 1 supervision and training.

TIER REQUIREMENTS FOR HANDLING ANIMAL

1. BIG CAT

Tier I handlers ONLY may enter enclosures with big cats. Tier II may perform daily care for big cats including, feeding, watering and cleaning. All big cats must be in lock out for Tier II to enter the enclosure. Tier II may shut lockouts for Tier III and IV to perform daily tasks. Tier II must lock lockout so no tiers III or IV can enter an enclosure with a big cat.

2. SMALL CATS

Tier I and Tier II handlers ONLY.

3. WOLF DOG

Wolf dogs ambassadors may be worked with by Tiers I,II,III. Tier IV must be supervised by a Tier I or Tier II to enter the cage of wolf dog ambassador.
Wolf dogs in conservation status (not public working wolves) may only be worked with by Tier I and Tier II.

4. SMALL MAMMAL

Small mammals may be handled by Tiers I, II, and III. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, water and feed, and complete basic maintenance needed in enclosures.

5. BIRDS OF PREY AND BIRDS

Tiers I, II, and III may handle birds. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, feed and water, and complete basic maintenance needed in enclosures.

6. REPTILE (NON-VENOMOUS)

Tiers I, II, and III may handle reptiles. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, feed and water, and complete basic maintenance needed in enclosures.

7. REPTILE (VENOMOUS)

Tier I and Tier II ONLY may handle or care for venomous reptiles.

ANIMAL ESCAPE/RECAPTURE PROTOCOL

REPORTING ESCAPE OF DANGEROUS ANIMAL

KEEP THE ANIMAL UNDER OBSERVATION FROM A SAFE DISTANCE UNTIL HELP ARRIVES. DO NOT ATTEMPT TO RECAPTURE, HERD, OR APPROACH AN ESCAPED ANIMAL ALONE. Each and every animal escape, regardless of relative danger posed by the animal, is to be reported. Dangerous animal escapes must be reported immediately to a Tier I employee by hand-held radio or by phone if unreachable by radio. The employee reporting the escape should remain calm, speak deliberately and clearly and provide the following information to the best of their knowledge:

1. Animal species that escaped.
2. If animal is still in perimeter fencing
3. The number of escaped animals observed
4. Exact location of animal(s)
5. Direction of animal(s) movement
6. Condition and behavior of animal (injured, panicked, running, etc)

Employees must have a handheld radio while working. Radios are available in the POTH gift shop. Radio is set to the correct channel. Incident report must be completed after capture

REPORTING ESCAPE OF NON-DANGEROUS ANIMAL

Animals not listed in the dangerous animal section of this document are not considered an immediate potential danger to employee's, visitors, or neighbors. Some animals are highly mobile (e.g. small primates) and can possibly be difficult to recapture. Other animals that are less mobile will allow for an easier capture. Responses to escapes by these species may or may not require the full response team like required for dangerous animals. All escapes must still be reported. If the escaped animal requires a significant level of staff response to support quick recapture it should be reported via radio to POTH staff immediately. For cases involving highly benign species with poor mobility (e.g. turtles or small ducks) the first report can be made directly to Tier I or Tier 2 staff members to help and ensure safe capture of animals. Incident reports must be filled out after safe capture of animals.

ESCAPE OFF POTH COMPOUND

In cases where an escaped animal leaves POTH grounds (is beyond the limits of the perimeter fence) the president or other persons in charge will instruct notify the following agencies by calling 911 dispatch:

1. Skagit County Animal Control
2. Anacortes Animal Control
3. Anacortes Police Department
4. Anacortes Fire Department
5. Mt. Erie Volunteer Fire Department

POTH will send a Tier 3 employee to the Emergency staging area (Front Main Gate) to meet the responding agencies and provide POTH radio to allow communication and coordination between outside agencies and the recapture team.

KEY RESPONSE AUTHORITIES

Tier I - Ashley Carr: 360-770-7479
Tier II Employee onsite
Skagit County Animal Control: Emilly Diaz: 360-428-3211
City of Anacortes ACFL: 360-293-1918
Asa Deane at Friends of the Forest ACFL: 360-399-6184
Diana Forbes DVM, USDA, APHIS: 206-478-4881
Caleb Stewart Legal Console: 425-455-3900

WEAPONS MANAGEMENT

Blowpipe 180DM w/ Detachable Mouthpiece, CO2 Deluxe Pistol, Jabstick, **Ruger EC9s 9MM (Ashley Carr / Daniel Overman ONLY)**

TIERS DUTIES AND RESPONSIBILITIES IN ESCAPE

TIER I RESPONSE DUTIES

- Contact 911/USDA if animal escapes POTH property
- Evaluate situation
- Give clear guidelines and plan for recapture plan to tier II
- Carry appropriate weapon if necessary

TIER II RESPONSE DUTIES

- Perform responsibilities of Tier 1 if not on premise
- Work with Tier I to recapture animal
- Carry appropriate weapon for capture if necessary
- Update Tier III with current status of capture

TIER III RESPONSE DUTIES

- To set up a base at the main gate to allow proper authorities if needed if an animal escapes off POTH property.
- To provide updates and communication to outside agencies if animals escape off POTH property. (POTH radio to be provided to agencies)
- To provide any tools necessary to staff for safe recapture
- Contact local agencies not associated with 911 or USDA if requested by Tier I

TIER IV RESPONSE DUTIES

- Check ALL perimeter fences are properly closed including front gate
- Stand at camera monitor and monitor animal movement/capture
- If animals escape during a tour, escort the tour group safely to the gift shop and have them remain calm.
- To complete any task given by Tier I or Tier II

AUTHORITY CONTACTS

TIER I CONTACTS

Ashley Carr / President 360-770-7479
Daniel Overman / Vice President 360-982-8313

SKAGIT COUNTY CONTACTS

Skagit County Animal Control- Emilly Diaz: 360-428-3211

USDA

Diana Forbes DVM, USDA, APHIS: 206-478-4881

CITY OF ANACORTES/ACFL CONTACTS

City of Anacortes ACFL 360-293-1918
Asa Deane at Friends of the Forest ACFL 360-399-6184

LEGAL TEAM

Caleb Stewart at Oseran and Hahn 425-455-3900

NEIGHBOR CALL LIST

TO BE ANNOUNCED

LIST OF DANGEROUS ANIMALS

- Cougars
- Wolves

LIST OF NON-DANGEROUS ANIMALS

- Anteater
- Porcupine
- Kinkajou
- Sloth
- Opossum
- Raccoon
- Fox
- Birds
- Skunk
- Armadillo
- Coatimundi
- Bobcats
- Constricting Reptiles
- Lizards
- Tortoises
- Alligator
- Marmosets

PREVENTION SAFETY PROTOCOLS

STAFF PREVENTIONS MEASURES

It is staff's responsibility to assure the safety of the public, neighbors and the animals by taking proper safety measures. All doors must be closed and locked upon entry and exit. Enclosures doors and locks must be checked to ensure they are functioning properly at all times. All staff must be observant to possible hazards to enclosures such as, overhanging limbs, dead trees, possible perimeter hazards etc. All hazards must be reported to management immediately. Employees must also keep a close eye on primary enclosures to assure they are in good repair. All perimeter fences must be checked daily. All electric fencing needs to be at 8.2-9.8 volt and popping, if not the employee must find ground out immediately. Failure to follow these safety protocols, leading to a loss of animal, will lead to immediate disciplinary actions against employees.

Special Use Permit Application

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
voice 360-416-1320 · inspections 360-416-1330 · www.skagitcounty.net/planning

Permit #:
PL22-0133
Received 3.19.22
Received by:

Use this form for both administrative and hearing examiner special use permit applications. Before you apply for a special use permit, it is generally required that you participate in a pre-application meeting. See the Pre-Dev/Pre-App Meeting Request form for details.

Project Information

Site Address 4709 Welch Lane City Anacortes Zip 98221

Parcel No(s) P128398

Zoning Rural Reserve UGA ☐ No ☐ Yes, which:

Project Description Animal Perserve wildlife education, conservation, sanctuary center

Request

What type of special use permit are you requesting? Check as many as apply.

- ☐ Bed and breakfast
- ☐ Home-based business 2
- ☐ Home-based business 3
- ☐ Kennel
- ☐ Marijuana production or processing facility
- ☐ Marijuana retail facility
- ☐ Mineral extraction and processing
- ☐ Outdoor outfitters enterprises
- ☐ Personal wireless facility
- ☐ Rural Business Expansion Beyond 1,500 sq ft
- ☐ Rural Business Change of Use
- ☐ Temporary events
- ☐ Temporary manufactured home–accessory to farm dwelling unit
- ☐ Temporary manufactured home–elderly or disabled family member
- ☑ Other (specify): Animal Perserve

Required Attachments

Include all of the following with your application:

- ☐ Contact Information & Signature Form
- ☐ Site plan consistent with site plan requirements checklist
- ☐ Lot certification[1] recorded under Auditor's File Number _____ (required unless the proposed development itself does not require lot certification)
- ☐ Critical areas approval letter
- ☐ Water review approval letter
- ☐ Pre-application meeting letter or pre-application meeting waiver
- ☐ Landscape plan (if required by pre-app meeting letter)
- ☐ Parking plan (if required by pre-app meeting letter)
- ☐ Any other documents requested at your pre-application meeting

[1] SCC 14.06.045(2).

❶ Requirements for ALL Special Use Permits

All types of special use permits require the following. Attach using a **separate sheet of paper.**

☐ A narrative that includes numbered responses to the following:

1. Describe your proposal/business.
2. Describe what days and hours will your operation be open.
3. How many employees will you have?
4. What will your employees' working hours be?
5. Will employees work on site?
6. How many employees will work off-site?
7. Describe the location and size of any signs you propose to advertise your operation.
8. How do you propose to screen your operation from public view? E.g., plants, shrubs, fences.
9. Describe your proposed parking area.
10. Describe your schedule, including any phasing, for development of your operation.
11. Describe the expected traffic impact of your operation on public roads.
12. Describe any internal road system your operation will have.
13. Describe how your operation will be accessed.
14. Describe any heat from machinery or equipment that your operation will generate.
15. Describe any noise your operation will generate.
16. Describe any odors your operation will generate.
17. Describe any steam, smoke, or dust your operation will generate.
18. Describe any vibrations your operation will generate.
19. Describe any heavy equipment or machinery your operation will use.
20. Describe any chemicals, waste oil, solvents, fuel, etc, your operation will store.
21. Describe your plan for disposal of any chemicals.
22. Describe your plans to prevent trespassing by employees, customers, or visitors to adjoining property.
23. If your operation will use a building please describe the size, height and construction type. This building must be shown on the site plan.
24. Describe the sewage disposal plan for employees and the public.
25. Describe the water supply for employees and the public.
26. Address any fire flow issues.

☐ A narrative that includes numbered responses to the following General Special Use Permit Evaluation Criteria.[2] The burden of proof is on the applicant to provide evidence that the use complies with the criteria.

27. Demonstrate that the proposed use is compatible with the neighboring properties.
28. Demonstrate that the proposed use complies with Skagit County Code. Please cite code section.
29. Demonstrate that the proposed use will not create undue noise, odor, heat, vibration, and air or water pollution on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.
30. Demonstrate that the proposed use will not generate intrusions on privacy of surrounding uses.
31. Demonstrate that proposed use will not cause potential adverse effects on the general public health, safety, and welfare.
32. For special uses in the Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL zones, demonstrate that the impacts on long-term natural resource management and production will be minimized.
33. Demonstrate that the proposed use is not in conflict with the health and safety of the community.
34. Demonstrate that the proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.
35. Demonstrate the proposed use will maintain the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.

[2] SCC 14.16.900(1)(b)(v).

❷ Additional Requirements for Specified Special Use Permits

Find the specific special use permit(s) you are applying for below, and attach the additional information listed.

A. Bed and Breakfast

Attach all of the following:

☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:[3]

- A1. The bed and breakfast must be owner-occupied and managed.
- A2. Parking is on-site and a minimum of 10 feet away from neighboring residences.
- A3. All lighting is directed away from neighboring residences.
- A4. The impacts will be no more obtrusive than a residence.
- A5. Five bedrooms or less are available for guest use.

B. Home-Based Business 2[4]

The intent of this Special Use is to allow home based businesses to operate with the limitations listed below. When the business grows beyond the criteria established and/or the conditions included in any approval, the business should relocate to a zone that would permit the activity. Attach all of the following:

☐ SEPA Checklist (unless categorically exempt).

☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:

- B1. Is carried out by a member or members of a family residing in the dwelling;
- B2. Is clearly incidental and secondary to the use of the property for dwelling purposes (business activity may be conducted in buildings other than the dwelling; provided, that the size of such use does not exceed 50 percent of the living area of the dwelling unit);
- B3. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of one sign not to exceed four square feet, provided such sign shall not be illuminated;
- B4. Does not require the installation of heavy equipment, large power tools or power sources not common to a residential dwelling;
- B5. Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;
- B6. Does not create a level of parking demand beyond that which is normal to a residential area;
- B7. May have clients come to the site.

C. Home-Based Business 3[5]

The intent of this Special Use is to allow home based businesses to operate with the limitations listed below. When the business grows beyond the criteria established and/or the conditions included in any approval, the business should relocate to a zone that would permit the activity. Attach all of the following:

☐ SEPA Checklist (unless categorically exempt).

☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:

- C1. Is carried out by a member or members of a family residing in the dwelling and up to three additional employees;
- C2. Is clearly incidental and secondary to the use of the property for dwelling purposes;
- C3. The business activity may be conducted in buildings other than the dwelling; provided, that the size of such building shall be consistent with the residential area and such building is properly permitted for the use;
- C4. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of one sign not to exceed four square feet, provided such sign shall not be illuminated;
- C5. Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;
- C6. Does not create a level of parking demand beyond that which is normal to a residential area;
- C7. May have clients come to the site.

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[3] SCC 14.16.900(2)(c).
[4] SCC 14.16.730(3).
[5] SCC 14.16.730(4).

D. Kennels[6]

Identify which type of kennel you are applying for:

☐ **Day-Use Kennel**: any premises at which 1 or more dogs, cats, or both are kept during daytime hours for a commercial purpose including but not limited to grooming, training, and/or boarding. Note these limitations:

- A day-use kennel shall not exceed 25 dogs or cats on site at any one time.
- No commercial breeding or selling of dogs or cats shall occur at a day-use kennel.
- No overnight boarding of animals shall occur at a day-use kennel.

☐ **Limited Kennel**: any premises at which 1 or more dogs, cats, or both are kept overnight for a commercial purpose including but not limited to breeding or selling. A single, incidental litter in a 12-month period is not a commercial purpose. Note these limitations:

- A limited kennel shall not exceed 25 dogs or cats over 16 weeks of age on site at any one time.
- At no time shall there be more than 50 dogs or cats of any age on site.
- No dogs or cats shall be commercially boarded at a limited kennel.
- A limited kennel may have animals kept during daytime and overnight hours and may also include additional related services including but not limited to selling, training, grooming, and daily care.

☐ **Overnight Boarding Kennel**: any premises at which 1 or more dogs, cats, or both are kept overnight for the commercial purpose of boarding. Note these limitations:

- An overnight boarding kennel shall not exceed 150 dogs or cats on site at any one time.
- No commercial breeding or selling of dogs or cats shall occur at an overnight boarding kennel. A single, incidental litter in a 12-month period is not commercial breeding or selling.
- An overnight boarding kennel may have animals kept during daytime and overnight hours and may also include additional related services including but not limited to training, grooming, and daily care.

Attach all of the following:

☐ SEPA checklist.

☐ An evacuation plan for the dogs or cats in the event of an emergency.

☐ An exercise plan for the dogs or cats.

☐ A narrative that includes numbered explanations for how your proposal will comply with the following criteria:

D1. Areas used as part of a dog kennel operation shall be composed of at least one-half of 1 acre for every 5 dogs (i.e. 2.5 acres of kennel area would be required for 25 dogs).

D2. Any indoor or outdoor area to be occupied by kennel animals shall be located at least 50 feet from any property line. A solid-wood fence or continuous, non-deciduous vegetative barrier shall be required, each at least 6 feet in height, between any outdoor kennel use area and the subject property lines. Fences and continuous barriers will not be required in cases where kennel use areas are at least 500 feet from all subject property lines.

D3. Parking for all kennel customers and employees shall be fully contained on the subject property and shall not include the use of any road right-of-way.

D4. All lighting shall be directed away from neighboring residences or businesses.

D5. An approved waste disposal plan that complies with Chapter 12.16 SCC shall be required.

D6. Kennel animals must be contained on the subject property. Outdoor kennel areas shall be constructed with adequate materials and height so as to prevent animal escapement.

D7. Any outdoor kennel use areas shall be configured such that impacts to surrounding properties are minimized. All animals must be contained in enclosed buildings between the hours of 9:00 p.m. and 8:00 a.m. daily.

[6] SCC 14.16.900(2)(i).

E. Marijuana Production or Processing[7]

Attach all of the following:

- ☐ SEPA checklist.
- ☐ A copy of your current license from the State Liquor and Cannabis Board.
- ☐ A narrative that includes numbered explanations for how your proposal will:
  - E1. Address impacts on surrounding properties, including but not limited to the appropriate distance of the facility from residences, schools, daycare facilities, public parks, other public facilities, and other marijuana facilities;
  - E2. Include appropriate controls on odor;
  - E3. Include appropriate screening or other requirements to avoid lighting impacts and the visual impacts of security fencing;
  - E4. Include requirements for appropriate disposal of the waste and byproducts of production and processing;
  - E5. Include protections against security cameras infringing on neighbors' privacy;
  - E6. Include any additional controls on hazardous processing methods with potential to injure neighboring properties;
  - E7. Mitigate other impacts.

F. Marijuana Retail Facility[8]

Attach all of the following:

- ☐ SEPA checklist.
- ☐ A copy of your current license from the State Liquor and Cannabis Board.
- ☐ A narrative that includes numbered explanations for how your proposal will:
  - F1. If the facility will use security cameras, ensure those cameras are aimed so as to view only the facility property, not public rights-of-way or neighboring properties.
  - F2. Avoid customer use of marijuana on site or in adjacent areas (e.g., security cameras, fences, or site design).
  - F3. Mitigate other impacts.

G. Mineral Extraction or Processing

Please see SCC 14.16.440(10) for the operating standards and requirements for all mining special uses. Attach all of the following:[9]

- ☐ SEPA checklist.
- ☐ A narrative that includes numbered responses to all of the following:
  - G1. The estimated quantities of all materials to be extracted.
  - G2. Identification of any possible Scientific Resource Sites that may be located on the proposed site. Scientific Resource Sites include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance. These areas must be delineated on the vicinity map below and the proposal for preservation of the identified area(s) must be addressed.
  - G3. An on-site study to determine appropriate mitigation requirements for noise, vibration and dust levels. The study should specify what levels the Applicant deems satisfactory to mitigate off-site disturbances.
  - G4. An operations proposal detailing estimated frequency of blasting, estimated truck loads per day, what provisions for screening and fencing are proposed, and estimated hours of operation.
  - G5. Identification and description of those critical areas designated and regulated by SCC 14.24, together with any critical areas studies that may be required by SCC 14.24.
- ☐ All of the following maps on 11x17" paper:
  - ☐ A vicinity map with a north arrow indicating the area on which the extraction operation is proposed including a legal description, showing right-of-way width of access roads to the proposed site from the nearest community and any roads proposed on the site, and showing zoning of adjacent properties and land uses within 5 miles of the area proposed for mineral extraction and related activities;
  - ☐ A pre-mining map drawn to scale with an appropriate scale bar showing the permit area and buffers, elevations and contours, natural slopes and other drainage patterns, boundaries of municipalities, boundaries of property ownership,

[7] SCC 14.16.855.
[8] SCC 14.16.855.
[9] Required by SCC 14.16.440(8).

names and addresses of adjacent property owners, locations of nearby mines, locations of all railroads, bridges, utility lines or other rights of way, locations and names of any streams and natural or artificial drain ways on or adjacent to the site, locations of parks and other significant features;

- ☐ A reclamation sequence map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map showing the permit area border and buffers, excavation areas, location of all proposed access roads to be built, location of types of setbacks and beams, numbered segments and the direction of the sequence of mining, soil storage areas and sequence of stripping, storing and replacement of mined segments, overburden storage areas and sequence of stripping, storing and replacement of overburden on mined segments, waste rock piles and how they will be reclaimed and stabilized, operation plant and processing areas, measures to be taken to adjacent surface area to prevent slumping or landslides on adjacent lands, location and description of storm-water and erosion control systems including drainage facilities and settling ponds and estimated runoff served by individual facilities; and
- ☐ A final reclamation map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map permit area and buffers, final elevations and contours, adjacent natural ground slopes, reclaimed drainage patterns, general topography, locations and names of any roads, utility lines, rights-of-way, streams, bridges, lakes, springs, wetlands, location and depth of topsoil to be replaced after seedbed preparation, permanent drainage and water control systems, area to be re-vegetated and proposed species, 2 cross-sections (at right angles) with horizontal and vertical scales the same that show the original and final topography and the water table.

☐ A report by a qualified geologist, hydrologist, or licensed engineer characterizing the area's ground water including, but not limited to, the following information:

- A description of the geology and hydrogeology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydrogeologic cross-sections, porosity, and horizontal and vertical permeability estimates;
- Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers) if applicable; and
- A map containing the limits of the mine, buffer zones, location of all ground water wells within one-mile distance down gradient from the property boundaries, location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas.

☐ Attach a transportation analysis from Skagit County Public Works Department or Washington State Department of Transportation demonstrating that roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Comprehensive Plan or its Transportation Technical Appendix and applicable state and local regulations.

H. Outdoor Outfitters[10]

Attach all of the following:

☐ SEPA checklist.

☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:

H1. Temporary lodging may be allowed at temporary primitive campgrounds as regulated in each district, existing lodges/cabins, or approved bed and breakfasts.
H2. No more than five self-contained RVs shall be allowed with such enterprises at any one time.
H3. Temporary lodging in a single location shall not exceed 14 days for any one individual, group, or party.
H4. At least seven days must pass before registered guests may return for lodging.

☐ A site plan that includes location, size, access of proposed primitive campsites, existing lodges/cabins, and RV sites.

I. Personal Wireless Facilities

See SCC 14.16.720 for a description of all standard personal wireless facilities requirements. Attach all of the following:

☐ SEPA checklist.

☐ Photo simulations. Photo simulations of the existing site and proposed facility from all adjacent properties and public rights-of-way at a radius of 1 mile from the proposed personal wireless service facility, including additional height of 20 feet for possible co-location. Photo simulations shall be made from a range of elevations of surrounding residential areas. The photo simulation shall be coded to a scaled vicinity map.

[10] SCC 14.16.900(2)(d).

- ☐ Site plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway right of ways, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures. A vicinity map shall be included.
- ☐ Landscaping plan. A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.
- ☐ Service area map. A current map showing the location of the proposed tower, the locations and service areas of other personal wireless service facilities operated by the Applicant and those proposed by the Applicant that are close enough to impact service within the County.
- ☐ Co-location statements. A statement by the Applicant as to whether construction of the tower will accommodate co-location of additional antenna(s) for future users. In addition, a signed statement shall be included indicating that: (i) the Applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the Applicant's structure or within the same site location; and (ii) the Applicant and/or landowner agree to remove the facility within 60 days after abandonment.
- ☐ Environmental documentation. Copies of any environmental documents if required by any Federal or State agency.
- ☐ Compliance letter. A letter signed by the Applicant stating the tower and antenna will comply with all applicable Federal, State and local laws and regulations, EIA standards and SCC 14.16.720.
- ☐ Co-location attempt. A narrative of the attempt to co-locate shall be included which lists names and dates of parties contacted for potential co-locations. A statement by the Applicant has made a diligent attempt to mount the facilities on an existing tower or structure that is within a 2,500-foot radius of the chosen site.
- ☐ Interference certification. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions of other communications facilities.
- ☐ Licenses. The personal wireless service provider must demonstrate that the FCC licenses it, if required to be licensed under FCC regulations for the provision of service within the County.
- ☐ Lease agreements. The Applicant, if not the personal wireless services provider, shall submit proof of lease agreements with an FCC-licensed personal wireless services provider, if such provider is required to be licensed by FCC regulations.
- ☐ E911 compliance. All providers shall attest to and demonstrate compliance with FCC and Washington State laws relating to Emergency 911 regulations.
- ☐ Financial security. The application for any tower shall be accompanied by a letter of credit, performance bond, or other security in an amount to be determined by the County, which may be drawn upon by the County as necessary to cover the costs of removal of the facility.
- ☐ Historic documentation. If applicable, a letter of permission from the designated County Official if the site is on a National Landmark or located in a Historic District.
- ☐ County recommendation. If the Applicant proposes to use County-owned property, a letter of recommendation from the Director of the Skagit County Parks and Recreation Department, Public Works Department or other applicable official.

J. Rural Business Expansion Beyond 1,500 Square Feet

A special use permit is available for a use in the Rural Business zone established prior to July 1, 1990, to expand more than 1,500 sq ft if certain other conditions are met.[11] Attach all of the following:

☐ SEPA checklist.

☐ A narrative that includes numbered explanations for how your proposal will comply with the following requirements:

J1. Except for agricultural support services, the expansion may not exceed 50 percent of the gross floor area dedicated to the Rural Business use as of July 1, 1990, up to a maximum of 5,000 square feet.
J2. The expansion must occur on the same lot upon which the existing use is located.
J3. The expansion must be visually compatible with the surrounding neighborhood and rural area.
J4. Detrimental impacts to adjacent properties or to existing easement rights on the property may not be increased or intensified.
J5. The expansion may not result in a formerly small operation dominating the area.
J6. The expansion may not constitute new urban growth in the rural area, except that uses may utilize urban services that are historically available to the site.
J7. Public services and facilities are limited to those necessary to serve the isolated nonresidential use and are provided in a manner that does not permit low density sprawl.

K. Rural Business Change of Use

A special use permit is available for a use in the Rural Business zone to change to another use that is not substantially similar to the pre-existing use in terms of the type of commercial activity performed.[12] Attach all of the following:

☐ SEPA checklist.

☐ A narrative that includes numbered explanations for how your proposal will avoid a substantially increased impact on any one of the following criteria, or result in smaller impacts across a number of criteria that cumulatively result in a substantially increased overall impact. Information in parentheses defines "substantial impact" for that particular measure.

K1. Traffic generation (more than 10% increase in vehicle trips per day). How will this remain under 10%?
K2. Parking requirements (the need to expand existing parking facilities or the likelihood that parking would overflow to adjacent roads or properties). Will you be increasing your parking spaces?
K3. Hours of operation (10% increase in hours of operation, or any measurable increase in evening and weekend hours). What are the current hours? Will they increase?
K4. Visitors/customers visiting the site (10% increase in visitors to the site). How many customers visit the site now? How many after the expansion?
K5. Is there a need for expanded septic, sewer, water, power or other services?
K6. Will there be a need for increased infrastructure, such as road widening or access improvements?
K7. Noise, light, glare and related impacts from business operations on adjacent properties. What is the impact now? What will it be after?
K8. Will your proposal impact productive use of surrounding natural resource lands? How?
K9. Will your proposal have detrimental impacts to surrounding critical areas? How?
K10. Describe how your proposed change to the visual character of the structure or property would not significantly and negatively affect the visual character of the surrounding rural area.
K11. Your proposal must be consistent with any applicable community development plan, if one has been adopted. Is there an applicable plan, and how is your proposal consistent with it?

[11] SCC 14.16.150(4(d).
[12] SCC 14.16.150(4)(e).

L. Temporary Events[13]

"Temporary events" is "commercial use of a property for any musical, cultural, or social event held either indoors or out of doors."[14] Attach all of the following:

- ☐ SEPA Checklist.
- ☐ A narrative that includes numbered explanations of how your use will comply with the following requirements:
  - L1. Events may occur on no more than 24 calendar days per year.
  - L2. Parking for all events shall be fully contained on the subject property and shall not include the use of any road right-of-way.
  - L3. Does not create a detrimental level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic or other environmental impacts on the surrounding area.
  - L4. All lighting is directed away from neighboring residences or businesses.

M. Temporary Manufactured Home—Accessory to a Farm Dwelling Unit[15]

A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of a farm in RCW 84.34.020 may be used to accommodate agricultural workers and their families employed on the premises. Attach all of the following:

- ☐ A narrative that includes numbered answers to the following questions:
  - M1. Demonstrate that your property meets the definition of "farmland" in RCW 84.34.020 (Open Space Taxation).
  - M2. Demonstrate that your operation is in compliance with the temporary worker standards in Washington State Law, including RCW 19.27, RCW 70.114a, RCW 49.17, RCW 43.22 and RCW 43.70.
  - M3. Demonstrate that the nature of the employee's work requires said employee to be immediately available to the job site is required by the farm owner/operator.

Please note: a building permit is required for the manufactured home. A building permit requires review of septic and road access. If you propose to use an existing septic system, you should contact the Public Health Department to determine whether it has sufficient capacity before you apply for the special use permit. Any dwelling in Ag-NRL must comply with the Ag-NRL siting criteria.

Any temporary manufactured home special use permit will be conditioned that if the farm employee stops residing in the manufactured home, the home must be removed.[16]

N. Temporary Manufactured Home—Elderly or Disabled Family Member[17]

A temporary manufactured home may be placed on the property to accommodate the housing needs of disabled or elderly family members. Attach all of the following:

- ☐ Documentation that the need for nearby care is required by a doctor and/or physician.

Please note: a building permit is required for the manufactured home. A building permit requires review of septic and road access. If you propose to use an existing septic system, you should contact the Public Health Department to determine whether it has sufficient capacity before you apply for the special use permit. Any dwelling in Ag-NRL must comply with the Ag-NRL siting criteria.

Any temporary manufactured home special use permit will be conditioned that if the disabled or elderly family member stops residing in the manufactured home, the home must be removed.[18]

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[13] SCC 14.16.900(2)(h).
[14] SCC 14.04.020.
[15] SCC 14.16.900(2)(b).
[16] SCC 14.04.020, definition of "temporary manufactured home."
[17] SCC 14.16.900(2)(a).
[18] SCC 14.04.020, definition of "temporary manufactured home."

Contact Information & Signature Form

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
voice 360-416-1320 · inspections 360-416-1330 · www.skagitcounty.net/planning

Permit #: PL22-0133

Received 3.19.22

Received by:

Attach this form to an application that requires it. An application will not be accepted without this form.

By signing this form, the undersigned certifies that the statements, answers, and information both on this form and the remainder of this permit application are true and correct to the best of his or her knowledge and belief.

Applicant/Contact

Name: Ashley Carr | Mailing Address: 6128 Parkside Drive
City, State: Anacortes, WA | Zip: 98221 | Phone: 360-770-7479
Email: admin@predatorsoftheheart.com

Property Owner

☐ Same as applicant ☐ Multiple owners (attach additional page)

Name: Predators of the Heart | Mailing Address: 4709 Welch Lane
City, State: Anacortes, WA | Zip: 98221 | Phone: 360-770-7479
Email: admin@predatorsoftheheart.com

Contractor

■ None ☐ Same as applicant ☐ Same as property owner

Name: | Mailing Address:
City, State: | Zip: | Phone:
Email: | License #: | Expires:

Financing[1]

■ None ☐ Lender below is providing construction financing ☐ Firm below has issued payment bond

Name: | Mailing Address:
City, State: | Zip: | Phone:

Signature

■ I am the owner of the subject property and I grant permission to field staff to enter the site to verify the presence or absence of critical areas and perform inspections of work proposed by this application; OR

☐ I have the consent of the owners of the subject property and have attached Agent Authorization Form(s) (SCC 14.06.090); OR

☐ This is a mechanical/plumbing permit or pre-development/pre-app meeting request; ownership certification is not required.

Signature(s): Ashley Carr | Date: 1/28/22
Printed Name: Ashley Carr
Title: President
Company: Predators of the Heart

[1] Required by RCW 19.27.095(2)(d) for building permit applications.

- **A narrative that includes numbered responses to the following:**
  1. **Describe your proposal/business.**

Predators of the Heart (POTH), a 501(c)(3) organization, has been a part of the Anacortes and Skagit County community for over twenty-three (23) years. Our chief consideration is safety, and we aim to educate the community about animals as described below as well as to serve local agencies (i.e. local animal control, Department of Fish and Wildlife (DFW) and other federal agencies such as the military and United States Department of Agriculture) to be a rescue and a resource for their needs.

(a) Safety

Safety is our primary concern. Our processes, procedures and protocols have been vetted by local (Anacortes) Animal Control, United States Department of Agriculture and DFW. We are routinely inspected (both scheduled and at random). Our most recent inspection was on **September 23,2021** A common misconception is that our wolves are rescues—they are not. Our wolves are bred, and are taught/trained to be "ambassador" wolves—they help the general population to understand humans and are introduced to them at an early stage of their life. At one point, POTH was receiving so-called "big cats" as rescues, but will be phasing out big cats.

In any event, we have worked closely with DFW, the USDA and local agencies, including Skagit County animal control, to ensure an exceedingly safe environment. In 23 years, we have had only one escape, and that escape was mitigated—the wolves were captured in under 30 minutes. That instance was likely instigated by a leashless dog (a major problem on the trails), and, as a result, the wolf that was responsible for the escape has since been euthanized. Again: POTH takes the safety of the community very seriously and put the wolf down in an abundance of caution.

As outlined below, our wolves and other animals (including, but not limited to, predatory animals) are kept in six-sided enclosures overnight. This means that they cannot dig out or jump out of the enclosure. On the wolf-runs, we have layered fences: at least two "layers" with one of the fences being "hot" or electrified. The outer "runs" also have 6-8 foot "dig outs" which also disallows the wolves from jumping over any fencing. There are additional plans to increase the fencing by adding overhangs onto the existing fencing to further protect the wolves and neighboring properties.

(b) Education

For over 20 years, POTH has been educating all ages: from church functions to school assemblies to private tours, POTH has built a reputation in the community by educating individuals on the animals themselves, the local ecosystem(s), the essential nature of animals in the Pacific Northwest, wildlife preservation, and children. More recently, POTH has assisted the Make-a-Wish Foundation with children who are gravely ill experience wildlife in a safe and secure manner.

POTH has diligently served the community and has been a resource of information, which is why it also is a resource for local law enforcement, the nearby military base, the USDA and DFW, to name only a few. POTH works to explain to its guests and the broader community the importance of these animals and the role they play in the PNW ecosystem, and in particular the ecosystem of Skagit and surrounding counties. As a result, children and adults have a greater understanding and appreciation not only of the animals and the role that they play in the ecosystem, but of their impact (and ours) on the world around us. These lessons lead to greater efforts in wildlife preservation and conservation.

(c) Rescue

As noted above, POTH also serves as a critical resource for local animal control agencies (most recently, Pierce County, Thurston, King and Snohomish) the military, local law enforcement, DFW and USDA. Each of these agencies trusts POTH's ability to safely and securely house these animals, and care for them for the duration of their lives if necessary. While we do limit the number of animals that we take in, POTH strives to continue to build those relationships. We have partnered with the aforementioned agencies and have become a vital resource to the community as a result.

As an example: POTH was recently contacted by the military to assist with a wild animal on the base at Oak Harbor. Our team worked overnight with military agencies to detain the animal safely and securely and house it.

Within the last month, Pierce County animal control received over 10 birds due to a seizure operation. POTH was a resource available to the Pierce County animal control, assisting in containing these birds, but also housing, feeding and caring for the birds while the investigation continues. Without POTH, the seizure could not have taken place and the animals likely would have been euthanized.

Often, after these investigations are complete, the animals have nowhere to go. If not for POTH and its efforts, the animals would almost certainly be euthanized. POTH also advises and assists in the re-homing process, which alleviates the stress that would be added to local government regarding finding suitable homes for these animals. POTH takes great pride in serving local, state and federal agencies in this way and looks forward to continuing to do so.

POTH has also been reached out to by the general public. We were recently contacted by an elderly woman who was suffering with CPOD. She called stating she was no longer capable to provide the proper care for her 30-year-old blue and gold macaw and 2 cockatiels. POTH came to her home and was able to help her by taking the birds into our care, providing them with much needed medical care. We now can take the time needed to ensure the birds are in good health taking the proper steps to find them the suitable forever home.

Animal controls will often refer POTH to citizens who may own animals illegally. Authorities will often give them 2 weeks to rehome the animal to a qualified sanctuary before pressing charges. We recently were surrendered an american alligator and a 14-year-old bobcat from the recommendation of Pierce County Animal Control. The animals would have been euthanized if POTH could not have provided them with the properly permitted forever home.

As a point of emphasis: none of the wolves housed by POTH are rescues. They are all bred for the purpose of wildlife education, and, from a very early age, are exposed to humans to be "ambassador" wolves.

We provide them to sanctuaries and re-introduction programs, a critical part of the PNW conservation and naturalization efforts, preserving and building the PNW ecosystem—their reintroduction builds the PNW ecosystem by allowing other species to thrive. We are all connected, and this sanctuary reminds our guests of that.

- Predators of the Heart (POTH) has been a 501(c)3 non-profit organization since 1998. We have traveled to schools and libraries within our community and outside of Skagit County, educating young and old alike for the last 23 years. POTH has been dedicated to helping all species of exotic animals who, for various reasons, are without a place to live the rest of their lives. We are USDA certified, inspected, and insured and have met

all USDA caging standards and guidelines. We not only have provided proper housing to these exotic animals, but we pride ourselves on wildlife education. Many of the animals saved by POTH are used as ambassadors to further instruction regarding the importance of their species and the need for conservation. Our goal is to reach the hearts of people and leave them with a new appreciation for wildlife and its importance. Our current private tour, "Howling with Ambassadors", has been Federally approved by the USDA. They have joined our tours and have set the guidelines we follow as USDA Class C exhibitors, to safely provide a life-changing educational program to outside people 18 or older. POTH has had the opportunity of sharing our educational experience with many Skagit County residence in the last several years. The Skagit County community who has visited our compound have become supporter of POTH and the work we do, seeing the value we bring to this community.

Being the fourth generation of the Anacortes community, POTH's president, Ashley Carr, personally strives to give back to this beautiful community. We now offer virtual tours to our local school districts, homeschooling programs, boys and girls clubs, and boy and girl scouts, to educate our young people on how each animal plays a vital role in the web of life. We also support our local companies such as a T-Shirt by Design, which does all our printing and embroidery for our merchandise, Lake Side Industries, for any rock and gravel needs, STS, for any tree removal or clean-up, are just a few of many local companies that we use to better our business. We also provide a brochure that has the local restaurants and things to do in our Anacortes. We can send up to 120 new people through our small town each week. Utilizing our hotels, local restaurants, other experiences, and sightseeing of our amazing parks. POTH brings great value to our small business and community.

2. **Describe what days and hours will your operation be open.**
   - POTH operates Monday- Saturday through private tours only. We offer two tours a day, 10 am-12 pm and 1 pm-3 pm. We limit the number of people who can come to our onsite tours to small groups of 10 people each tour. POTH is closed for tours on Sunday, but animals are maintained and fed according to their feeding schedule(s).
3. **How many employees will you have?**
   - 5-10 employees. POTH currently has five employees, including its offsite bookkeeper.
4. **What will your employees' working hours be**?
   - 7:30 am-4 pm Monday-Saturday ((depending on the day); POTH is closed for tours on Sunday, but animals are cared for on Sundays. (DISCUSS WE DO NOT FED SUNDAYS IT IS THEIR DAY OF REST TOO)
5. **Will employees work on site?**
   - Yes, with the exception of our bookkeeper, our employees will be working on site of 4709 Welch Lane, Anacortes, WA 98221.
6. **How many employees will work off-site?**
   - 1 employee who will work off-site is our bookkeeper.
7. **Describe the location and size of any signs you propose to advertise your operation.**
   - We currently are not actively advertising. When we do advertise, it will be online advertising through our website, Airbnb, and social media.
8. **How do you propose to screen your operation from public view? E.g., plants, shrubs, fences.**
   - We are currently a very private property. Our property is in a very remote location with minimal traffic. We have extensive fencing that is currently being extended; blackout covering will be added shortly. Additionally, our plans are to add "set-backs" from the fence an additional 6-8 feet with an additional perimeter fence. This would reduce the

likelihood of off-leash dogs or other animals being able to antagonize and/or cause anxiety for any of the POTH animals, including the wolves.

9. **Describe your proposed parking area.**
   - POTH has a small parking space already that will fit 7-10 cars on site. There are no current plans to change the parking spaces.
10. **Describe your schedule, including any phasing, for the development of your operation.**
   - POTH has plans to do extensive fencing, as noted above. POTH intends to create additional set-backs (also known as "perimeter fencing") and add blackout covering to existing fencing, moving wolf enclosures to a centralized area. Currently, the wolves are in six-sided fencing overnight, which means that they cannot escape by digging. Centralizing our wolf-enclosures will reduce their anxiety, create a more tranquil environment for them. POTH currently also has extensive security fencing, including so-called "hot" fences (i.e. electric fences). Other phased construction will include adding glass enclosures for other reptiles to benefit our guests and the public in the educational process.
11. **Describe the expected traffic impact of your operation on public roads.**
   - Generally, we see about 5-10 cars a day, including employees. Private groups that have visited POTH generally come together, and we limit the number of people allowed on site at any one time.
12. **Describe any internal road system your operation will have.**
   - In our compound, we have a turnaround and parking
   - 
13. **Describe how your operation will be accessed.**
   - Security is a critical component of our operation. We have extensive fencing, which has been thoroughly vetted by local, state and federal authorities. This includes dig-outs as well as electric fencing that is always operational. Our gate system is a locked remote open, chain-linked fence. The only time our gate is open is when employees enter or our guests are let in by staff. The general public have no way to enter the property with a vehicle unless the gate is opened by our staff. The gate is only opened at the time of tour to allow entry to allow guests access to the property. To enter the compound you turn off Havekost Rd, onto Welch Lane Rd. At the end of the Welch Lane there is access to our gravel easement road. The easement road is approximately 400 feet long and leads you to our locked gate. There is a ditch for drainage on either side of the easement road. There are no other access roads that lead into our compound.
14. **Describe any heat from machinery or equipment that your operation will generate.**
   - N/A
15. **Describe any noise your operation will generate.**
   - POTH has been on this property since 2001 and has never had a complaint about the noise, which would be the occasional wolf howling. Even with groups on site, the property is exceedingly quiet.

16. **Describe any odors your operation will generate.**
    - None.
17. **Describe any steam, smoke, or dust your operation will generate.**
    - None.
18. **Describe any vibrations your operation will generate.**
    - None.
19. **Describe any heavy equipment or machinery your operation will use.**
    - None.
20. **Describe any chemicals, waste oil, solvents, fuel, etc, your operation will store.**
    - None.
21. **Describe your plan for disposal of any chemicals.**
    - No chemicals are used, as this is an animal sanctuary. As a result, no chemicals are produced, used or generated and, further, no disposal is necessary. Animal remains are disposed of via humane methods; animal carcasses are generally cremated at Evergreen Pet Cremation in Oak Harbor, WA
22. **Describe your plans to prevent trespassing by employees, customers, or visitors to adjoining property.**
    - There is extensive fencing that covers the areas of operations. Not only has POTH posted conspicuous signage at all areas of access on the property, but the property is also fully fenced, including multiple layers of fencing, hot-fencing (interior) and dig-outs to prevent animal escapes. The fully fenced areas are to ensure the safety of animals and the public. At night, the wolves are secured in six-sided enclosures, meaning they cannot dig out of their enclosures. All guests on tours remain with an employee from the time of check-in to check-out to ensure no trespassing onto the adjoining properties. Property lines are clearly marked by fencing and or markers to ensure there is no confusion by employees or neighbors. There are only 2 adjoining properties, Welch easement, and Johnson's estate. The back half of the property is adjoining to parklands and no trespassing signs have been posted clearly for outside hikers. There are additional plans to add additional fencing between the trails and the property to prevent hikers or other individuals from trespassing onto the POTH property.
23. **If your operation will use a building please describe the size, height and construction type. This building must be**
    - 12x12 Gift Shop which was permitted by Skagit county. The retail building is the only permanently installed improvement that is recognized by the Skagit County assessor. It has 220 square feet and is secured to a post and beam foundation. It was constructed in 2017 under a building permit and is attached to a semi-truck trailer and a steel cargo shipping container which are both parked side-by-side.
    - shown on the site plan.
    - 



24. **Describe the sewage disposal plan for employees and the public.**
    - 2 outhouses pumped biweekly by diamond rentals. In 2019, Septic # 60998, a 2 compartment, with 1750 tank, gravity flow, was installed at hilltop homesite area. (See map above).
25. **Describe the water supply for employees and the public.**
    - We have one mainline coming in. We have one handwashing station for visitors and employees. Because we limit the number of guests at any one time, the one handwashing station is sufficient for our guests and is accessible by both employees at guests at any given time. Bottled water is provided to guests.
26. **Address any fire flow issues.**
    - There are no fire flow issues.

- ◆ A narrative that includes numbered responses to the following General Special Use Permit Evaluation Criteria.[2] The burden of proof is on the applicant to provide evidence that the use complies with the criteria.

1. **Demonstrate that the proposed use is compatible with the neighboring properties.**
    - POTH has been in operation on this parcel since 2001. We are USDA certified and inspected. We have met all Federal guidelines that are required to house exotic animals. Our facility was inspected in January 2022 and passed all requirements needed to operate. POTH has been approved by USDA to do our wolf encounters. USDA officials have joined in on tours and approved our current program deeming it safe and have met all USDA guidelines of wildlife exhibiting. POTH is a class C exhibitor and holds the highest USDA license available.
    - Pictures above show that neighboring properties are a great distance from each other. There is not only fencing dividing our properties, but the Welch easement is separating us from neighbors.
    - To reiterate: POTH has been on the property for the last 23 years with only one incident of wolf escape. That issue has been rectified and resolved; the wolf itself was euthanized of the escape, which, again, was likely caused by provocation of an off-leash animal roaming the neighborhood. We have since moved all of the wolves into six-sided enclosures so that escapes are not possible in the evening and morning hours when staff are not on-site. Extensive camera systems have been implemented, and fencing has been bolstered.
2. **Demonstrate that the proposed use complies with Skagit County Code. Please cite code section.**

POTH falls under the exemptions of Washington State RCW 16.30.020 (c). POTH is a duly incorporated nonprofit animal protection organization (such as humane societies and shelters), and houses animals at the written request of the animal control authority. POTH currently houses dozens of animals at the request of municipal and county

animal control(s), the United States military and the USDA. Under RCW 16.20.020, POTH displays animals at state fair(s) approved by the Washington Department of Agriculture pursuant to RCW 15.76 and/or RCW 36.37. This exemption affords POTH opportunities to house and maintain exotic animals. Skagit County's animal law is based on the state dangerous wild animal law, which also prohibits ownership of potentially dangerous wild animals. Animals possessed in violation of these laws must be taken to an appropriate facility; RCW 77.15.250 prohibits the release of deleterious exotic wildlife into the wild.

3. **Demonstrate that the proposed use will not create undue noise, odor, heat, vibration, and air or water pollution on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.**
    - POTH disposes of all animal waste biweekly through trash service. All waste, meat products, and trash are bagged and disposed of properly in accordance with local, state and federal law and guidelines. However, POTH has had issue(s) with local neighbors disposing of chicken and pig waste near its property line frequently.
    - POTH has been located on the property and doing business as a USDA certified wildlife sanctuary, 501(c)3 non-profit, since 2001.Since that time, there have been no noise, odor, heat, vibration, air or water pollution complaints. POTH has sought to partner with the community to ensure the safety of the community and well-being of its inhabitants, mitigating traffic on its own and ensuring that there are and will not be any undue noise, odor(s), heat, vibration, air or water pollution in accordance with SCC 14.16.840. As a wildlife sanctuary, POTH endeavors to keep the land as natural as possible for the animals and the community. .
4. **Demonstrate that the proposed use will not generate intrusions on privacy of surrounding uses.**
    - POTH sends all guests very clear and specific guidelines/directions when they book a private tour on how to get to our property. We have installed 3 small signs to help give directions to our property and prevent guests from mistakenly going to surrounding properties. When guests enter our property gates are closed until the end of the tour. Guests remain on our property from start to finish. Message sent to guests; Good morning, please help us respect our neighbors by following directions to our property! As you come down Welch Lane you will see our Airbnb sign on the back of stop sign telling you to continue straight. As you continue straight you will see a nice, paved road to a beautiful gate on left, THAT IS NOT OURS! (PLEASE DO NOT RING THE BELL ON THIS GATE!!!) Continue straight onto a gravel road where you will see another Airbnb sign is posted. As you pull onto gravel road you will take your immediate left and follow that road all the way to the end. (Sign will have Arrow pointing you in the right direction) By following these directions you will help us help our neighbors by respecting their private properties!
5. **Demonstrate that proposed use will not cause potential adverse effects on the general public health, safety, and welfare.**
    - POTH currently has multi-layered fencing installed to keep the general public out of our facilities. This includes: 8-foot fencing with "dig-outs" as well as additional six-foot fencing to provide a double layer of fencing so that wolves cannot escape. All of our predatory animals, including wolves, are kept in six-sided enclosures overnight so that they cannot escape—this means that there are fences above and below the animals so they cannot dig out or jump out of the enclosure. Our main point of entry has an automatic locking gate with code entry only. We have a 32-camera security system installed to help keep watch on all animals and points of entry. All animals are under a double and triple locking system when staff is completed with their day. POTH would

like to get the property fenced in its entirety and relocate the wolves to a central area within the property. We take public safety very seriously and have met all USDA guidelines along with any request made by Skagit County Animal Control.

6. **For special uses in the Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL zones, demonstrate that the impacts on long-term natural resource management and production will be minimized.**
   - POTH has always and will always strive to keep the land as natural as possible, which will allow for the most give the animals their most tranquil and ecologically similar environment. Keeping the land as native as possible and preserving it's natural state will thoroughly benefit the animals and, as stated, will allow our guests to be most closely immersed in what the natural habitat would be like for these animals. We intend to keep as many of the beautiful, native trees to act as natural buffers on our property, with plans to "top" any dead or dying trees that might cause potential danger to animal enclosures, perimeter fencing, neighboring properties and guests. Our trees are regularly inspected by an arborist to ensure maximum safety. For every tree that is removed or "topped", POTH plants a new tree to ensure the continual growth and renewal of the land's natural state. As soon as is feasible, POTH intends to migrate its energy consumption to solar power in order to reduce its carbon footprint as much as possible.
7. **Demonstrate that the proposed use is not in conflict with the health and safety of the community.**
   - For 23 years POTH has been doing school assemblies, county/state fairs, providing a safe place for animals to go for animal control for several counties. POTH has been USDA certified, inspected, and insured for over 20 years. We have USDA-approved facilities and have met all requirements on a federal level and state level. POTH is constantly making improvements to the facilities to better the animals' lives and ensure the safety of our community. We have also met all requirements set out by Skagit County Animal Control. POTH is regularly inspected by federal authorities, most recently in September, as well as state and local authorities.
8. **Demonstrate that the proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.**
   - As explained above, POTH has been and will continue to be a vital resource for local law enforcement, military, animal control(s), DFW, and other government entities. These entities confiscate animals, such as cougars, alligators, and other exotic animals and, without organizations like POTH, would have to simply kill these animals. Having POTH as a resource allows these animals to remain alive, and further, providing an educational service to the community. Our facility only brings value to the surrounding areas and community. We bring in tourists from all over the United States and the world before COVID. We recommend our local restaurants, hotels and parks to up to 20 people a day, 6 days a week. We also provide a resource of education to our local schools, boys and girls clubs, girl scouts, and boy scouts.
9. **Demonstrate the proposed use will maintain the character, landscape, and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts. Nothing has changed and we have tried to keep the rural settings for our business**
   - Again, POTH's goal is to keep the land as natural as possible, keeping the beautiful buffer of trees, plants and other vegetation that surround it. In a world that is driven by development, POTH's property is being used to preserve the natural habitat of the land, and will continue to do so. This is in stark contrast with a developer or other builder that might intend to simply tear down the trees, vegetation and shrubbery. We do plan to top any dead trees that may cause potential danger to enclosures, perimeter fencing, or

neighbor's properties, but, as noted above, re-plant any tree that is removed due to its death or topping. Our goal is to ensure the land stays beautiful and forested as intended. There is no other business in close proximity to our non-profit 501(c)3. We will be keeping the Rural setting for our business as much as possible and will continue to do so as long as our operations can continue.

Additional Questions requested

A. **Please describe/outline in detail what regulations the operation is required to comply with and how the operation is, or will be, run in accordance with those regulations.**

POTH has been in operation on this parcel since 2001. We are USDA certified and inspected regularly. We have met all Federal guidelines that are required to house exotic animals. Our facility was inspected in September 2021 and passed all requirements needed to operate. POTH has been approved by USDA to house and exhibit wolves. USDA officials have joined in on tours and approved our current program deeming it safe and have met all USDA guidelines of wildlife exhibiting. POTH is a class C exhibitor and holds the highest USDA license available. POTH also operates according to the exemptions of Washington State RCW 16.30.020 (c), which allows for an incorporated nonprofit to house animals at the written request of animal control (or an authority acting as animal control, such as a sheriff or local law enforcement agency). **(POTH houses several animals at written request and turned over by Animal control directly)** POTH also falls under RCW 16.30.020 (l) A person displaying animals at a fair approved by the Washington department of agriculture pursuant to chapter **15.76** or **36.37** RCW; **(POTH completes at least one State fair yearly to comply with current RCW Codes of exemption).**

B. **What safety protocols do you have in place and how do they comply with the USDA regulations.**
POTH meets all the USDA safety protocols and is required on a federal level to comply with the regulations set by the USDA. POTH has developed extensive safety protocols and procedures regarding who can handle the animals, feeding and maintenance schedules, behavioral procedures regarding predatory animals (i.e. wolves, cougars and venomous snakes), escape procedures, severe weather procedures regarding animal care and husbandry, veterinary care procedures and protocols and apparel and dress protocols. See attached Exhibit A, "Safety Protocols & Procedures". Note: the attachment is not an exhaustive list of our protocols and procedures but are available upon request for Skagit County review.

C. **Please provide a list of the types and number of animals currently on site and what types and amounts of animals may be proposed on site for the future.**

Current animals at POTH:
Mammals: 3 cougars, 2 bobcats, 24 wolfdogs, 3 sloths, 1 armadillo, 2 opossums, 1 coatimundi, 2 marmosets, 1 fox, 1 giant anteater, 1 north American porcupine, 1 stripe skunk, 1 hooded skunk, 3 sloths, 2 kinkajous, 4 raccoons
Birds: 1 Eurasian eagle owl, 1 vulture, 2 ducks, 1 lady Amherst pheasant, 2 golden pheasants, 3 blue and gold macaw, 2 military macaw, 1 Catalina macaw, 6 sulfur-crested cockatoos, 1 citron cockatoo, 1 lord Darby, 6 plum head parakeets, 1 blue fronted amazon, 1 double yellow amazon, 20 parakeets, 2 cockatiels, 1 emu
Reptiles: 5 alligators, blue tongue skink, Savanah monitor, 2 iguanas, 2 reticulated pythons, 4 ball pythons, 1 rattle snake, 1 carpet python, 1 rainbow boa, 1 albino python, 1 blood python, 1 caiman lizard, 1 beaded lizard, 2 Burmese pythons, 4 sulcata tortoises, 2 red footed tortoises

Prediction to be onsite in future: We cannot predict what will be onsite in future. We can say it will be in the category of smaller mammals, small/mid-size cats, birds and reptiles. We do not ever know the

requests that will be made by Animal Control, Fish and Wildlife and outside governmental agencies. We do not take in outside adult wolves or big cats.

D. **Describe in detail how the animals are kept: Types and location of enclosures, fencing (length, height, location, etc.), amount of area required for each (i.e., square footage, acreage?) and what amount of area is currently provided for each.**

ALL ENCLOUSURES ARE UNDER LOCK AND KEY PADLOCK SYSTEM. Each animal caging requirement is different depending on species, but is in full compliance with USDA regulations as well as animal control and DFW guidelines -All small mammals have 6 sided enclosures. This means bottom of enclosures are lined with a wire mesh or chain-link and they are topped. All small mammal enclosures have a 6' with tilt in perimeter fence that with at least a 3' walkway in between enclosure and perimeter per USDA requirements.





-All wolf enclosures are at least 6'-8' high. Our post and stretch fencing is 6' and our chain-link panel are 8' high with electric wire running top and middle and bottom. Wolves in our bottom part of our compound have 6' fencing with a 6' perimeter fence with 1.5' tilt ins. Wolves in bigger 1–2-acre runs are 6' high with 1' tilt in's and a 3-strand hot fence system 8-9 volt. Wolves are put away into night runs when staff is unavailable to supervise in bigger runs. All night runs are 24'x24'x8' with cattle panel bottoms, chain-link tops with solid roof tops. All night runs placed within the acer runs act as permitter fence for night runs. Both permitter doors and cage doors are locked with padlocks. This is more than is required by the USDA.



-3 cougar enclosures and 1 bobcat enclosure are 24'x36' each. They all have chain-link roof. Per USDA guidelines all cat enclosures must have a covered walkway /perimeter fence. All cats have a 3' walkway all the way around enclosures that is topped. It also includes an additional 6' with tilt in perimeter fence for extra safety.



-Bird flights are chain-link and topped. No dig outs are required for these enclosures.



- South American Trailer- Sloths, armadillo, kinkajous and tortoises are kept in a 40' mortified insulated container. This ensures that temperatures remain over 80 degrees as each animal housed in this facility requires that temperament for survival.



- Reptile house. Reptile house is another 40' refer unit and contains wooden enclosures with glass fronts and consist of all sizes to accommodate species of snakes or lizards. Reptile house temperature is always set at 82 degrees. The main heat source is propane furnaces. Some reptiles require UVB lighting and cages are set up to accommodate the special lights needed.





- E. **Describe how the animals are cared for. When and how often are they fed and what the food source is. When and how often are they inspected by a veterinarian and does that take place on or off site. How often are the enclosures cleaned?**

POTH has a staff that cares for these animals daily. All animals' enclosures are cleaned daily. Mammals and birds are fed daily Monday-Saturday and fasted on Sunday. Reptiles are on a strict feeding schedule according to their species requirements. Food comes from our donors of Walmart, Chief Store, Del Fox Meats and local farmers. As many of our animals come to us as rescues and require specialized diets, we also purchase supplement foods from Mazuri Exotic Foods, Chewy, Rodent Pro, Costco, Amazon and other exotic animal food sources. All animals are inspected by veterinarian at least 1 time a year, unless medical attention is needed. Animals are both seen by a veterinarian on and offsite depending on medical reason.

F. **Describe how the waste is handled. How and where is it disposed of? How often is it disposed of?**

POTH disposes of all animal waste biweekly through trash service waste management. All waste, meat products, and trash are bagged and disposed of properly and in accordance with local, state and federal law.

LETTERS OF RECOMMENDATION:

February 4, 2022

CITY OF ANACORTES

Matt Miller, Mayor - Personal
Planning,Community & Economic Development
City Council
Administrative Services
Public Works
Anacortes Parks & Recreation
City Attorney

Anacortes Chamber of Commerce

This letter is being written in connection with "Predators of the Heart" a non-profit sanctuary for wolves and other animals located near Anacortes, Washington in Skagit County Washington.

It is my understanding that Predators of the Heart its endeavoring to update and/or acquire permits for the facility and they have been met with some resistance.

My wife and I have lived in Anacortes for over 20 years. I presently live very close to Predators of the Heart facility. During my ENTIRE time living in Anacortes I have-not heard any adverse or negative statements concerning Predators of the Heart!

I did not know of the existence of Predators of the Heart until approximately 5 years ago when I received a telephone call from my granddaughter (Chloe) who lives in Ohio asking why i did not take her to see the wolves in Anacortes. I told her that I did not know about it and would certainly take her and family to Predators of the Heart on their next visit providing was safe etc.

My investigation found the facility to be safe, educational, and an opportunity to expand one's knowledge through face to face interaction with the wolves and other animals. We, my family from Ohio visited the sanctuary on their very next trip from Ohio which was a very short time after the call from my granddaughter.

Have visited the Predators of the Heart site several times since learning of existence! Each time I have found the facility to be in exceptional condition, safe, and in constant upgrading to ensure future safety for both the animals in the complex and the adjacent public. On each visit the staff was a class act.

I know our government has regulations and procedures in place that require a non-profit animal sanctuary to meet and maintain high standards and is subject to frequent audits. Since

Predators of the Heart has been in existence for over 20 years - it has obviously met the requirements.

What a huge opportunity "Predators of the Heart" is for educational purposes for our local community!

It also adds to our water endeavors, such as kayaking, whale watching, fishing and hiking etc. that our wonderful island offers. In addition, it generates revenue to the city of Anacortes when people visit and use/enjoy our restaurants, lodging, and shopping at our unique stores.

It is ironic, that I found the existence of Predators of the Heart because a Ohio couple on their honeymoon visited the facility - told my granddaughter how great it was - who called me and bawled me out for not taking her there - WOW what a powerful advertiser word of mouth is!!! "Predators of the Heart" is a WIN WIN for the City of Anacortes, Skagit County, and our entire local area!

It is very safe, in my opinion, and must have met all government regulations for the 20 plus years it has been in existence.

I ask for support from our city, county and whoever else to approve what is necessary to keep this wonderful educational, revenue generating and unique facility operating for the benefit of people in the future.

Thank you in advance for considering my first hand knowledge of "Predators of the Heart".

Sincerely,

Pete Nelson, Former General Director of Risk Management Department of a (self-insured) Large Corporation and Adjunct Instructor, Business Law and other business subjects at Skagit Valley College for 10 plus years

cc: Predators of the Heart

PREDATORS OF THE HEART ANACORTES

To: Ms. Ashley Carr, Administrative Manager

This letter is in regards to, "Predators of the Heart," a non-profit organization for animal conservation located in Skagit County, near Anacortes WA. This organization is also the host of "Wolf Encounters," an experience that provides visitors with an opportunity to spend time with the animals in an up-close and safe environment. As someone who has attended the Wolf Encounter experience and has interacted with the other animals at the site, I would like to share my experience with you.

My father has lived in Anacortes for over 20 years now and my family has made many trips from Ohio to visit and enjoy the beauty of the city and surrounding waters. We have whale watched, kayaked, hiked and hit the downtown shops and restaurants. About 5 years ago, my daughter who works at Goodyear Tire and Rubber Headquarters in Ohio, sent me a text demanding to know why we had never gone to Predators of the Heart! Apparently, a recently married co-worker and his wife went there while traveling the Pacific Northwest on their honeymoon. The reason was we didn't know it was there! Predators of the Heart sits in the woods near my dad's house, but he didn't know of it either. Of course, he scheduled a visit right away and loved every moment of it and we set up a tour on our next trip to see him. It was an experience we all talk about to this day! How else would you ever get an opportunity to touch, pet and get an up close interaction with a wolf (Max and his mom for us), sloths, albino skunks, a cougar and others? The tour was personal, educational and at NO time did any of us feel anything but safe!

We were in absolute awe of the animals and the work done there to allow others a small moment of that experience. It was truly amazing. I know my dad has returned and taken others since then to experience it with the same appreciation.

Apparently, the organization is facing scrutiny and the concerns of a few that its present location is unsafe. I would like to refute that by again saying it felt very safe for my family; I took my children there! On our visit we did the tour with a young couple from Seattle. This is where they go every year for a wedding anniversary gift, because of the love and respect they shared for the work. Since that time, I have made several charitable contributions to Predators of the Heart to offer something that supports the important work that they do. I believe it is important to appreciate wildlife as something more than a photo or a meal. The interaction with the animals should be personal to build respect and educational to foster true understanding of wildlife. This has been the mission of Predators.

I truly feel this place offers a rare opportunity for the Anacortes area. It is an attraction, the same as kayaking and whale watching, and brings people into a small town that otherwise might not be visited. People visit, they eat there and probably stay which is revenue for the local businesses and, most importantly, they leave and share their unique experience with others. It is truly a one of a kind adventure.

I would ask for the support of local and county decision makers in keeping this resource available to the general public. It is a jewel to the owners, and they take great care in the stewardship of it for all the right reasons.

Thank you in advance for your consideration of my thoughts and ask.

SINCERELY,

DANA NELSON, RN MN APRN CNS 3

PREDATORS OF THE HEART SPECIAL USE PERMIT PARCEL # P128398

Dear Mr. Mayor,

We write to you in support of Predators of the Heart (PH) which we understand is seeking a required permit from Skagit County. We are directing comments to your Office because we hear that the City is expressing opposition to PH's permit application on the grounds that there is lack of interest and support within the community.

We live in the County just outside Anacortes City Limits. We shop, of course in Aancortes, patronise local restaurants, many other businesses and amenities there. We are supporters of PH. Our immediate families live in Seattle and Atlanta, and it is their practice to rent facilities within Anacortes when they visit us. On several occasions, we have visited PH, and with our families too. It has always been a rewarding, informative, and uplifting experience. We ourselves are avid world travelers (and erstwhile trekkers); wild places and wild animals being our primary interests. PH fits well with our love of nature.

We hope our comments are useful, and, of course, would be happy to answer any questions you may have.

Respectfully, Hugh and Wendy Kendrick

11342 Mainsail Lane
Anacortes, WA 98221
360-293-0932

Colin & Deanna Emsley
2200 20th Place, Anacortes, WA 98221
360-333-2387
colinsmarine@gmail.com
emsley.deanna@gmail.com

Dear Recipient,

It is our sincere pleasure to enthusiastically recommend that Predators of the Heart be given permission to continue operating within Skagit County, and specifically within the vicinity of Anacortes.

We have been residents of Anacortes for nearly twenty years and have operated a tourist-oriented marine business during that entire time. We have witnessed time and time again the incredible impact that Predators of the Heart ("POTH") has on visitors to this area. Every group that we refer to POTH comes away absolutely spellbound by the experience. We have had clients make repeated trips back to Anacortes specifically so that they could incorporate a visit to POTH.

As residents who live less than 3-miles away from POTH, it is no surprise to us at all that everybody who visits the sanctuary is forever changed by the experience. The unique combination of animals at POTH, combined with the unparalleled ability to get such an intimate look into their lives, truly sets POTH apart.

Beyond the majesty of the animals themselves is the incomparable passion that the entire POTH team has for their critical dual mission of conservation and education. It is this dual mission more than anything else that truly sets POTH apart, and which in turn helps set Anacortes apart.

We beam with pride each time we refer our clients to POTH, and we relish our own visits to the sanctuary as often as possible.

Anacortes is always quick to tout its commitment to the natural playground within which it sits. A continued commitment to POTH is critical example of living up to that heritage and pledge.

Regards,

Colin & Deanna Emsley

SAFETY PROTOCOLS

(ANIMAL RECAPTURE PROTOCOLS)

INTRODUCTION

PURPOSE

Purpose is to properly house and exhibit exotic animals at POTH wildlife sanctuary/conservation located at 4709 Welch Lane, Anacortes, WA 98221. All POTH enclosures have met USDA guidelines and are designed for safe containment through housing, shifting, holding and transporting. However, no matter how well enclosures are designed, and safety protocols are followed, escape is a possibility. Therefore, POTH has created a "Safety Protocol" including an animal escape and recapture protocol. This is to ensure quick and safe recapture in the event of an animal escape. A safety guideline has been established to protect visitors, employees and neighbors from possible harm. Ensuring routine facility practices are reviewed to help prevent similar situations from occurring.

Our goal is to create this "Safety Protocol" to help prevent escapes and ensure proper training is given to staff on how to respond quickly and efficiently in case of an emergency. We accomplish this by providing clear guidelines, roles, responsibilities, procedures and tools needed in any situation. Our objective of the "Safety Protocols" is to provide the proper training, tools and drills ensuring best practices are accomplished. POTH will be performing at least 2 training drills a calendar year. This practice will ensure that staff can safely implement all aspects of a recapture plan should an escape occur.

ASSOCIATED EQUIPMENT

Blowpipe 180DM w/ Detachable Mouthpiece, CO2 Deluxe Pistol, Jab stick, Bear Spray, Blow Horn, Ruger EC9s 9MM (Concealed carrier license Ashley Carr, Danny Overman)

KEY DUTIES FOR OPERATION TIERS

TIER I (EXPERT HANDLER/MANAGEMENT)

Expert handlers have a minimum of 5 years of animal husbandry, handling, training and on the job experience. Expert handlers have been through big cat training and are USDA certified of POTH to handle big cats. POTH board of directors will determine if a staff member is qualified to be a tier I.

TIER II (INTERMEDIATE HANDLER)

Intermediate handlers at POTH must have 2 years of animal handling training or on the job experience. Intermediate handlers may handle all species of animals except for big cats (any exotic cat over 65lbs)

TIER III (BASIC HANDLER)

Basic handlers must have 6 months (40 hour work weeks) of on the job training with a tier II or tier I handler. The Basic Handler will perform tasks of feeding the animals, cleaning their living and sleeping areas, and other aspects of basic care. Animals for a tier III will help with wolf encounters under tier I or II supervision and start training in basic wolf behavior and handling.

TIER IV (HANDLER IN TRAINING)

Staff member in training before handling any animals. Must have 25 days of training before performing basic tasks without supervision. No animal handling will be performed without Tier 1 supervision and training.

TIER REQUIREMENTS FOR HANDLING ANIMAL

1. BIG CAT

Tier I handlers ONLY may enter enclosures with big cats. Tier II may perform daily care for big cats including, feeding, watering and cleaning. All big cats must be in lock out for Tier II to enter the enclosure. Tier II may shut lockouts for Tier III and IV to perform daily tasks. Tier II must lock lockout so no tiers III or IV can enter an enclosure with a big cat.

2. SMALL CATS

Tier I and Tier II handlers ONLY.

3. WOLF DOG

Wolf dogs ambassadors may be worked with by Tiers I,II,III. Tier IV must be supervised by a Tier I or Tier II to enter the cage of wolf dog ambassador.
Wolf dogs in conservation status (not public working wolves) may only be worked with by Tier I and Tier II.

4. SMALL MAMMAL

Small mammals may be handled by Tiers I, II, and III. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, water and feed, and complete basic maintenance needed in enclosures.

5. BIRDS OF PREY AND BIRDS

Tiers I, II, and III may handle birds. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, feed and water, and complete basic maintenance needed in enclosures.

6. REPTILE (NON-VENOMOUS)

Tiers I, II, and III may handle reptiles. Tier IV may not handle animals and should only perform daily basic tasks to care for these animals such as clean enclosures keeping safe distance, pull food and water dishes, feed and water, and complete basic maintenance needed in enclosures.

7. REPTILE (VENOMOUS)

Tier I and Tier II ONLY may handle or care for venomous reptiles.

ANIMAL ESCAPE/RECAPTURE PROTOCOL

REPORTING ESCAPE OF DANGEROUS ANIMAL

KEEP THE ANIMAL UNDER OBSERVATION FROM A SAFE DISTANCE UNTIL HELP ARRIVES. DO NOT ATTEMPT TO RECAPTURE, HERD, OR APPROACH AN ESCAPED ANIMAL ALONE. Each and every animal escape, regardless of relative danger posed by the animal, is to be reported. Dangerous animal escapes must be reported immediately to a Tier I employee by hand-held radio or by phone if unreachable by radio. The employee reporting the escape should remain calm, speak deliberately and clearly and provide the following information to the best of their knowledge:

1. Animal species that escaped.
2. If animal is still in perimeter fencing
3. The number of escaped animals observed
4. Exact location of animal(s)
5. Direction of animal(s) movement
6. Condition and behavior of animal (injured, panicked, running, etc)

Employees must have a handheld radio while working. Radios are available in the POTH gift shop. Radio is set to the correct channel. Incident report must be completed after capture

REPORTING ESCAPE OF NON-DANGEROUS ANIMAL

Animals not listed in the dangerous animal section of this document are not considered an immediate potential danger to employee's, visitors, or neighbors. Some animals are highly mobile (e.g. small primates) and can possibly be difficult to recapture. Other animals that are less mobile will allow for an easier capture. Responses to escapes by these species may or may not require the full response team like required for dangerous animals. All escapes must still be reported. If the escaped animal requires a significant level of staff response to support quick recapture it should be reported via radio to POTH staff immediately. For cases involving highly benign species with poor mobility (e.g. turtles or small ducks) the first report can be made directly to Tier I or Tier 2 staff members to help and ensure safe capture of animals. Incident reports must be filled out after safe capture of animals.

ESCAPE OFF POTH COMPOUND

In cases where an escaped animal leaves POTH grounds (is beyond the limits of the perimeter fence) the president or other persons in charge will instruct notify the following agencies by calling 911 dispatch:

1. Skagit County Animal Control
2. Anacortes Animal Control
3. Anacortes Police Department
4. Anacortes Fire Department
5. Mt. Erie Volunteer Fire Department

POTH will send a Tier 3 employee to the Emergency staging area (Front Main Gate) to meet the responding agencies and provide POTH radio to allow communication and coordination between outside agencies and the recapture team.

KEY RESPONSE AUTHORITIES

Tier I - Ashley Carr: 360-770-7479
Tier II Employee onsite
Skagit County Animal Control: Emilly Diaz: 360-428-3211
City of Anacortes ACFL: 360-293-1918
Asa Deane at Friends of the Forest ACFL: 360-399-6184
Diana Forbes DVM, USDA, APHIS: 206-478-4881
Caleb Stewart Legal Console: 425-455-3900

WEAPONS MANAGEMENT

Blowpipe 180DM w/ Detachable Mouthpiece, CO2 Deluxe Pistol, Jabstick, **Ruger EC9s 9MM (Ashley Carr / Daniel Overman ONLY)**

TIERS DUTIES AND RESPONSIBILITIES IN ESCAPE

TIER I RESPONSE DUTIES

- Contact 911/USDA if animal escapes POTH property
- Evaluate situation
- Give clear guidelines and plan for recapture plan to tier II
- Carry appropriate weapon if necessary

TIER II RESPONSE DUTIES

- Perform responsibilities of Tier 1 if not on premise
- Work with Tier I to recapture animal
- Carry appropriate weapon for capture if necessary
- Update Tier III with current status of capture

TIER III RESPONSE DUTIES

- To set up a base at the main gate to allow proper authorities if needed if an animal escapes off POTH property.
- To provide updates and communication to outside agencies if animals escape off POTH property. (POTH radio to be provided to agencies)
- To provide any tools necessary to staff for safe recapture
- Contact local agencies not associated with 911 or USDA if requested by Tier I

TIER IV RESPONSE DUTIES

- Check ALL perimeter fences are properly closed including front gate
- Stand at camera monitor and monitor animal movement/capture
- If animals escape during a tour, escort the tour group safely to the gift shop and have them remain calm.
- To complete any task given by Tier I or Tier II

AUTHORITY CONTACTS

TIER I CONTACTS

Ashley Carr / President 360-770-7479
Daniel Overman / Vice President 360-982-8313

SKAGIT COUNTY CONTACTS

Skagit County Animal Control- Emilly Diaz: 360-428-3211

USDA

Diana Forbes DVM, USDA, APHIS: 206-478-4881

CITY OF ANACORTES/ACFL CONTACTS

City of Anacortes ACFL 360-293-1918
Asa Deane at Friends of the Forest ACFL 360-399-6184

LEGAL TEAM

Caleb Stewart at Oseran and Hahn 425-455-3900

NEIGHBOR CALL LIST

TO BE ANNOUNCED

LIST OF DANGEROUS ANIMALS

- Cougars
- Wolves

LIST OF NON-DANGEROUS ANIMALS

- Anteater
- Porcupine
- Kinkajou
- Sloth
- Opossum
- Raccoon
- Fox
- Birds
- Skunk
- Armadillo
- Coatimundi
- Bobcats
- Constricting Reptiles
- Lizards
- Tortoises
- Alligator
- Marmosets

PREVENTION SAFETY PROTOCOLS

STAFF PREVENTIONS MEASURES

It is staff's responsibility to assure the safety of the public, neighbors and the animals by taking proper safety measures. All doors must be closed and locked upon entry and exit. Enclosures doors and locks must be checked to ensure they are functioning properly at all times. All staff must be observant to possible hazards to enclosures such as, overhanging limbs, dead trees, possible perimeter hazards etc. All hazards must be reported to management immediately. Employees must also keep a close eye on primary enclosures to assure they are in good repair. All perimeter fences must be checked daily. All electric fencing needs to be at 8.2-9.8 volt and popping, if not the employee must find ground out immediately. Failure to follow these safety protocols, leading to a loss of animal, will lead to immediate disciplinary actions against employees.

A.Background

1.Name of proposed project, if applicable:
Predators of the Heart- Animal Preserve Permit- Special use permit

2.Name of applicant:
Predators of the Heart / Ashley Carr

3.Address and phone number of applicant and contact person:
Ashley Carr
13658 Harbor Lane
Anacortes, WA 98221
360-770-7479

4.Date checklist prepared:
3/18/22

5.Agency requesting checklist:
Skagit County Planning and Development

6.Proposed timing or schedule (including phasing, if applicable):
N/A

7.Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
N/A

8.List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
N/A

9.Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
No

10.List any government approvals or permits that will be needed for your proposal, if known.
Special Use Permit
USDA Class C Exhibitors Permit

11.Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
ANIMAL PERSEVE PERMIT- NO PROJECTS AT THIS TIME

12.Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s).

Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

B.Environmental Elements

Earth

a.General description of the site:
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?
Approximate 45%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
Forest soil on top of bedrock, brought in gravel

d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**
No

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
Purpose would be for leveling areas for enclosures.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
No

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
Less then 3%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
Native trees and ground cover are left in place to help with erosion.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
None

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
None

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A

3. Water

a. SurfaceWater:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

None

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground Water:

No

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No well on site. City water.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Gray water and 10-person sewage system 2 outhouses pumped biweekly by diamond rentals. In 2019, Septic # 60998, a 2 compartment, with 1750 tank, gravity flow, was installed at hilltop homesite area.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Storm water, natural storm rain run off. No collection

2) Could waste materials enter ground or surface waters? If so, generally describe.

No, we dispose of all animal waste properly. No compost on site

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

N/A

4. Plants

a. Check the types of vegetation found on the site:

__x__deciduous tree: alder, maple, aspen, other
_x___evergreen tree: fir, cedar, pine, other
__x__shrubs
__x__grass
_____pasture
_____crop or grain
_____ Orchards, vineyards or other permanent crops.
_____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
_____water plants: water lily, eelgrass, milfoil, other
_____other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Removal of dead or dying trees when needed. Less .25% if any.

c. List threatened and endangered species known to be on or near the site.

N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

We plan on keeping landscape as natural and native as possible. (established shrubs and trees)

e. List all noxious weeds and invasive species known to be on or near the site.

Blackberries are on part of the property, but we keep them controlled

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Eagles, red tail hawks, owls, coyotes, woodpeckers, song birds, hummingbirds, deer

Examples include:
birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

N/A

c. Is the site part of a migration route? If so, explain.

N/A

d. Proposed measures to preserve or enhance wildlife, if any:

Our mission is preserving wildlife by limiting amount of ground work needed. We will be keeping the natural land intact as much as possible.

e. List any invasive animal species known to be on or near the site.

Gray squirrels

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

electric, propane with plans to change to all solar.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Our goal is to switch our compound to solar energy

7. Environmental Health

a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

None

1) **Describe any known or possible contamination at the site from present or past uses.**

N/A

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

4) Describe special emergency services that might be required.

N/A

5) Proposed measures to reduce or control environmental health hazards, if any:

N/A

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None

2) **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indi- cate what hours noise would come from the site.**

Natural animal noises at time but minimal

3) **Proposed measures to reduce or control noise impacts, if any:**

N/A

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.
Adjacent properties have Personal sawmill, livestock, and off road quad and dirt bike track.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
N/A

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:
N/A

c. Describe any structures on the site.
There is a 12x12 gift shop and two 40' shipping containers on site

d. Will any structures be demolished? If so, what?
No

e. What is the current zoning classification of the site?
Rural Reserve

f. What is the current comprehensive plan designation of the site?
Animal Preserve

g. If applicable, what is the current shoreline master program designation of the site?
N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
No

i. Approximately how many people would reside or work in the completed project?
Up to 5-10 people

j. Approximately how many people would the completed project displace?
zero

k. Proposed measures to avoid or reduce displacement impacts, if any:
N/A

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

N/A

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

We are leaving land as natural as possible.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, mid- dle, or low-income housing.

0

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

0

c. Proposed measures to reduce or control housing impacts, if any:

No houses will be built

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

12 feet 12x12 cabin

b. What views in the immediate vicinity would be altered or obstructed?

None

b. Proposed measures to reduce or control aesthetic impacts, if any:

Leaving everything as natural as possible

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measures to reduce or control light and glare impacts, if any:

N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Hiking and site seeing

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Our goal is to keep the beauty of the land

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

N/A

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

N/A

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

None

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

N/A

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

None

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

None

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No

h. Proposed measures to reduce or control transportation impacts, if any:

N/A

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A

b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

16. Utilities

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,

other: Propane

c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Ashley Carr

Name of signee Ashley Carr

Position and Agency/Organization Predators of the Heart

Date Submitted: 3/22/22

D. Supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; pro- duction, storage, or release of toxic or hazardous substances; or production of noise?

N/A

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

None

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are: None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are: None

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Proposed measures to reduce or respond to such demand(s) are: NONE

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

None

The JOHNSON Shortplat

NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.

LEGAL DISCRIPTION

PARCEL A:
The North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, Skagit County Washington:

EXCEPT that portion of the North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian described as Follows:

Beginning at the Southwest corner of the said North Half;
Thence North 0°32'05" East a distance of 174.58 feet along the West line of said North half;
Thence South 44°08'02" East a distance of 141.68 feet;
Thence along a curve to the left, concave to the North, having a radius of 238 feet and an arc length of 190.77 feet;
Thence North 89°38'51" East along the South line of said North Half a distance of 271.57 feet to the true point of beginning.

Situated in Skagit County, Washington.

PARCEL B:

A portion of the Northeast Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, described as Follows:

Beginning at the North Quarter corner of said Section 25;
Thence South 89°15'03" West, a distance of 77.88 feet along the North line of said section;
Thence South 0°32'05" West, a distance of 299.95 feet;
Thence South 19°48'46" East, a distance of 157.79 feet;
Thence South 31°06'09" East, a distance of 43.89 feet to the East line of the Northwest Quarter of said Section;
Thence North 0°32'05" East, a distance of 487.01 feet to the true point of beginning.

Situated in Skagit County, Washington

PARCEL C:

An easement for ingress, egress and road and utility purposes over the following described parcels:

1. The South 20 feet and the East 30 feet of the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

2. The North 20 feet and the East 40 feet of the South Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

Except the East 20 feet thereof;

3. The South 40 feet of the South Half of the Northeast Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

EXCEPT any portion thereof lying within the County Road.

Situated in Skagit County, Washington.

PARCEL D:

An easement for road, travel and utility purposes over the following described parcel:

A 30-foot wide strip in the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, being 15 feet on each side of the following described centerline:

Beginning at a point 15 feet West of the Northeast corner of said North Half;
Thence South parallel to the East line of said North Half to a point 15 feet North of the South line of said North Half;
Thence West parallel to said South line for a distance of 320 feet;
Thence North parallel to the East line of said North Half to a point on the North line of said North Half.

Situated in Skagit County, Washington.

COUNTY APPROVALS

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY SHORT PLAT ORDINANCE SCC 14.18.

ON THIS 26th DAY OF March 2008

Planning and Development Services — 3/26/09 Date

County Engineer — Mar 4, 2009 Date

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY TITLE 12.05 (ON-SITE SEWAGE) & 12.48 (WATER) ON THIS 5th DAY OF March 2009.

County Health Officer — 5 March 09 Date

NOTES

1. 'The short plat number and date of approval shall be included in all deeds and contracts.'

2. A LOT OF RECORD CERTIFICATION HAS BEEN ISSUED FOR ALL LOTS INCLUDED IN THIS LAND DIVISION BY VIRTUE OF RECORDING THIS LAND DIVISION AND ISSUANCE OF THE LOT CERTIFICATION. ALL LOTS HEREIN SHALL BE CONSIDERED LOTS OF RECORD FOR CONVEYANCE AND DEVELOPMENT PURPOSES UNLESS OTHERWISE RESTRICTED. SEE A.F. #200903270123

3. 'No building permit shall be issued for any residential and/or commercial structures which are not at the time application, determined to be within an official designated boundary of Skagit County Fire District.'

4. 'Change in location of access, may necessitate change of address, contact Skagit County Planning & Development Services.'

5. Water will be supplied by the City of Anacortes to both lots.

6. Zoning and Comprehensive Plan - Rural Reserve.

7. Area Calculations:
The total acreage for the entire parcel (20.08 acres)
Lot 1 10.08 acres
Lot 2 10.00 acres

8. All private roads, easements, community utilities and properties shall be owned and maintained by separate corporate entity or the owners of property served by the facility and kept in good repair. The private 30' access and utility easement along the south property line of lot A serving lot B will be the sole maintenance responsibility of lot B. For any common road easements adequate provisions shall be made for appropriate pro-rata contributions for such maintenance by any future land divisions that will also use the same private road.

9. Sewage disposal will be on-site septic systems.

10. All runoff from impervious surfaces and roof drains shall be directed so as not to adversely affect adjacent properties.

11. A Skagit County address range will begin at 4502 and end at 4863 on Welch Lane for Lot B. Lot A will remain 4665 Welch Lane. At the time of application for building and/or access, Skagit County GIS will assign the address in accordance with the provisions of Skagit County Code 15.24.

12. This parcel lies within an area or within 500 feet of area designated as a natural resource lands (agricultural, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, State, and Federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact Skagit County Planning and Development Services for details.

TREASURERS CERTIFICATE

This is to certify that all taxes heretofore levied and which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, up to and including the year of 2009.

This 23rd day of March, 2009.

Skagit County Treasurer

AUDITORS CERTIFICATE

RECORD OF SURVEY AT THE REQUEST OF CLAIR A. CROSSMAN

200903270122
Skagit County Auditor
3/27/2009 Page 1 of 2 2:04PM

AUDITOR — DEPUTY AUDITOR

CONSENT

KNOW ALL PERSONS BY THESE PRESENT THAT THE UNDERSIGNED SUBDIVIDERS HEREBY CERTIFY THAT THIS SHORT PLAT IS MADE AS THEIR FREE AND VOLUNTARY ACT AND DEED.

RICHARD K. JOHNSON — DIANE M. JOHNSON

Beneficiary Consent: DIANA
WELLS FARGO BANK N.A.
BY: Edward A. DeBus, V.P.

ACKNOWLEDGEMENT

STATE OF WASHINGTON
COUNTY OF ~~SKAGIT~~ KING

ON THIS 11th DAY OF February, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED RICHARD K. JOHNSON AND DIANE M. JOHNSON, HUSBAND AND WIFE, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 1700 N 45th St Seattle WA 98103

Chelsea A Howard MY COMMISSION EXPIRES 01/11/2012

STATE OF ~~WASHINGTON~~ Maryland
COUNTY OF ~~SKAGIT~~ Frederick

ON THIS 18 DAY OF February, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ~~WASHINGTON~~ Maryland DULY COMMISSIONED AND SWORN,

PERSONALLY APPEARED Edward A. DeBus Vice President
TO ME KNOWN TO BE THE ~~MANAGER~~ OF WELLS FARGO BANK N.A., A CORPORATION, AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE IS AUTHORIZED TO EXECUTE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ~~WASHINGTON~~ Maryland, RESIDING AT 8480 Stagecoach Circle, Frederick, MD 21701

Maryland MY COMMISSION EXPIRES 08/29/2010

CLAIR A. CROSSMAN — STATE OF WASHINGTON — 18897 — REGISTERED LAND SURVEYOR

11-29-08

SURVEYOR
Crossman & Associates
16146 McLean Road
Mt. Vernon, WA 98273

SHORT PLAT NO. PL06-1121

SHEET 1 OF 2

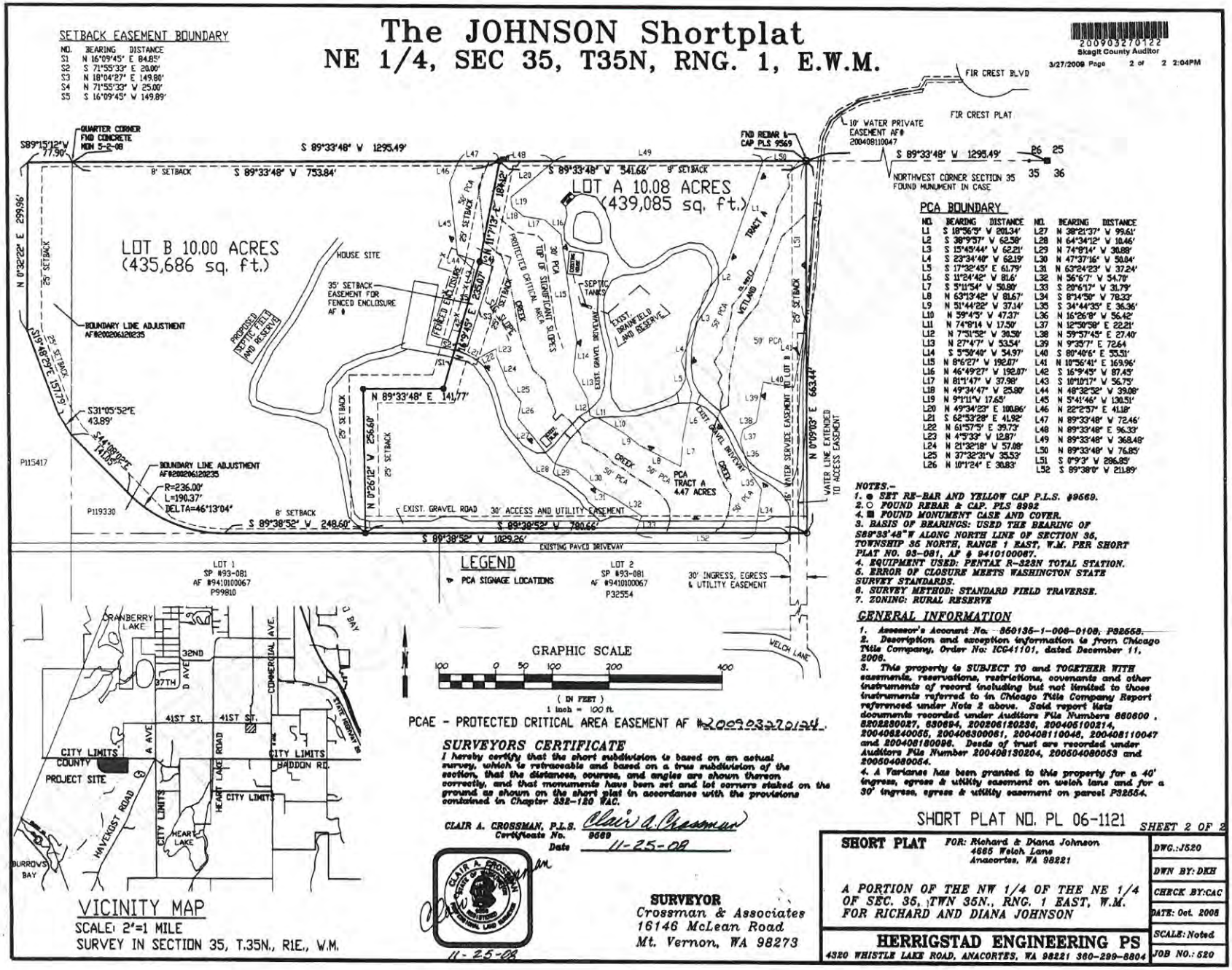
SHORT PLAT FOR: Richard & Diana Johnson, 4665 Welch Lane, Anacortes, WA 98221	DWG.: J520
	DWN BY: DKH
A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON	CHECK BY: CAC
	DATE: May, 2008
HERRIGSTAD ENGINEERING PS 4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804	SCALE: 1"=200'
	JOB NO.: 520

The JOHNSON Shortplat
NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.

200903270122
Skagit County Auditor
3/27/2009 Page 2 of 2 2:04PM

SETBACK EASEMENT BOUNDARY

NO.	BEARING	DISTANCE
S1	N 16°09'45" E	84.85'
S2	S 71°55'33" E	20.00'
S3	N 18°04'27" E	149.86'
S4	N 71°55'33" W	25.00'
S5	S 16°09'45" W	149.89'



PCA BOUNDARY

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S 18°56'59" W	201.34'	L27	N 38°21'37" W	99.61'
L2	S 38°9'37" W	62.58'	L28	N 64°34'12" W	18.46'
L3	S 15°43'44" W	62.21'	L29	N 74°8'14" W	30.88'
L4	S 23°34'48" W	62.19'	L30	N 47°37'16" W	50.84'
L5	S 17°32'45" E	61.79'	L31	N 63°24'23" W	37.24'
L6	S 11°24'42" W	81.6'	L32	N 56°6'7" W	34.78'
L7	S 3°11'54" W	50.80'	L33	S 20°6'17" W	31.79'
L8	N 63°13'42" W	81.67'	L34	S 8°14'58" W	78.33'
L9	N 51°44'22" W	37.14'	L35	S 34°44'35" E	36.36'
L10	N 39°4'5" W	47.37'	L36	N 16°26'8" W	56.42'
L11	N 74°8'14" W	17.50'	L37	N 12°50'58" E	22.21'
L12	N 7°51'52" W	30.58'	L38	N 59°57'45" E	27.40'
L13	N 27°4'7" W	53.54'	L39	N 9°33'7" E	72.64
L14	S 5°58'48" W	54.97'	L40	S 80°40'6" E	53.51'
L15	N 8°6'27" W	192.07'	L41	N 10°36'41" E	169.96'
L16	N 46°49'27" W	192.07'	L42	S 16°9'45" W	87.45'
L17	N 81°1'47" W	37.98'	L43	S 10°10'17" W	56.75'
L18	N 49°34'47" W	25.80'	L44	N 48°38'52" W	39.08'
L19	N 9°1'11"W	17.65'	L45	N 5°41'46" W	130.51'
L20	N 49°34'23" E	100.86'	L46	N 22°2'57" E	41.18'
L21	S 62°53'28" E	41.92'	L47	N 89°33'48" W	72.46'
L22	N 61°57'5" E	39.73'	L48	N 89°33'48" E	96.33'
L23	N 4°5'33" W	12.87'	L49	N 89°33'48" W	368.48'
L24	N 21°32'18" W	57.88'	L50	N 89°33'48" W	76.85'
L25	N 27°32'31"W	35.53'	L51	S 0°9'3" W	286.85'
L26	N 10°1'24" E	30.83'	L52	S 89°38'0" W	211.89'

NOTES.-
1. ● SET RE-BAR AND YELLOW CAP P.L.S. #9669.
2. ○ FOUND REBAR & CAP. PLS 8992
4. ■ FOUND MONUMENT CASE AND COVER.
3. BASIS OF BEARINGS: USED THE BEARING OF S89°33'48"W ALONG NORTH LINE OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M. PER SHORT PLAT NO. 93-081, AF # 9410100067.
4. EQUIPMENT USED: PENTAX R-323N TOTAL STATION.
5. ERROR OF CLOSURE MEETS WASHINGTON STATE SURVEY STANDARDS.
6. SURVEY METHOD: STANDARD FIELD TRAVERSE.
7. ZONING: RURAL RESERVE

GENERAL INFORMATION

1. Assessor's Account No. 350136-1-006-0108, P32555.
2. Description and exception information is from Chicago Title Company, Order No: ICG41101, dated December 11, 2006.
3. This property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record including but not limited to those instruments referred to in Chicago Title Company Report referenced under Note 2 above. Said report lists documents recorded under Auditors File Numbers 660600, 8202230027, 630694, 200206120236, 200405100214, 200406240055, 200406300061, 200408110046, 200408110047 and 200408180096. Deeds of trust are recorded under Auditors File Number 200408130204, 200504080053 and 200504080054.
4. A Variance has been granted to this property for a 40' ingress, egress & utility easement on welch lane and for a 30' ingress, egress & utility easement on parcel P32554.

VICINITY MAP
SCALE: 2"=1 MILE
SURVEY IN SECTION 35, T.35N., R1E., W.M.

SURVEYORS CERTIFICATE

I hereby certify that the short subdivision is based on an actual survey, which is retraceable and based on a true subdivision of the section, that the distances, courses, and angles are shown thereon correctly, and that monuments have been set and lot corners staked on the ground as shown on the short plat in accordance with the provisions contained in Chapter 332-120 WAC.

CLAIR A. CROSSMAN, P.L.S. Certificate No. 9669
Clair A. Crossman
Date 11-25-08

11-25-08

SURVEYOR
Crossman & Associates
16146 McLean Road
Mt. Vernon, WA 98273

SHORT PLAT NO. PL 06-1121 SHEET 2 OF 2

SHORT PLAT FOR: Richard & Diana Johnson
4665 Welch Lane
Anacortes, WA 98221

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON

HERRIGSTAD ENGINEERING PS
4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804

DWG.: J520
DWN BY: DKH
CHECK BY: CAC
DATE: Oct. 2008
SCALE: Noted
JOB NO.: 520

200406300061
Skagit County Auditor
6/30/2004 Page 1 of 2 10:09AM

Return to:
Richard Diana Johnson
4665 Welch Lane
Anacortes, WA 98221

PROTECTED CRITICAL AREA SITE PLAN
Page 1 of 2

Grantor/Owner: Richard & Diana Johnson

Grantee: PUBLIC

Site Address: 4665 Welch Lane

Property ID #: P 32553 Assessors Tax Account #: 550135·1·006·0108

Legal Description: Sec. 35 Twp. 35 Rng. 1 / Plat Name _____ Lot ____

Permit/Activity #: BP04-0634

The PROTECTED CRITICAL AREA (PCA) is to be left undisturbed in its natural state. "With the exception of activities identified as Allowed without Standard review under SCC 14.24.100, any land-use activity that can impair the functions and values of critical areas or their buffers through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to, existing vegetation shall require critical areas review and written authorization pursuant to SCC 14.24." SCC 14.24.060 No clearing, grading, filling, logging or removal of woody material, building, construction or road construction of any kind, planting of non-native vegetation or grazing of livestock is allowed within the PCA areas except as specifically permitted by Skagit County on a case-by-case basis consistent with SCC 14.24.

Representations on this site plan may be approximations only and should not be used for purposes other than for determining general locations of critical areas. Development activities beyond the scope of this plan may require additional studies and approvals.

The above references to "Grantor" and "Grantee" shall not be construed as a transfer of property ownership and are used solely for filing with the County Auditor.

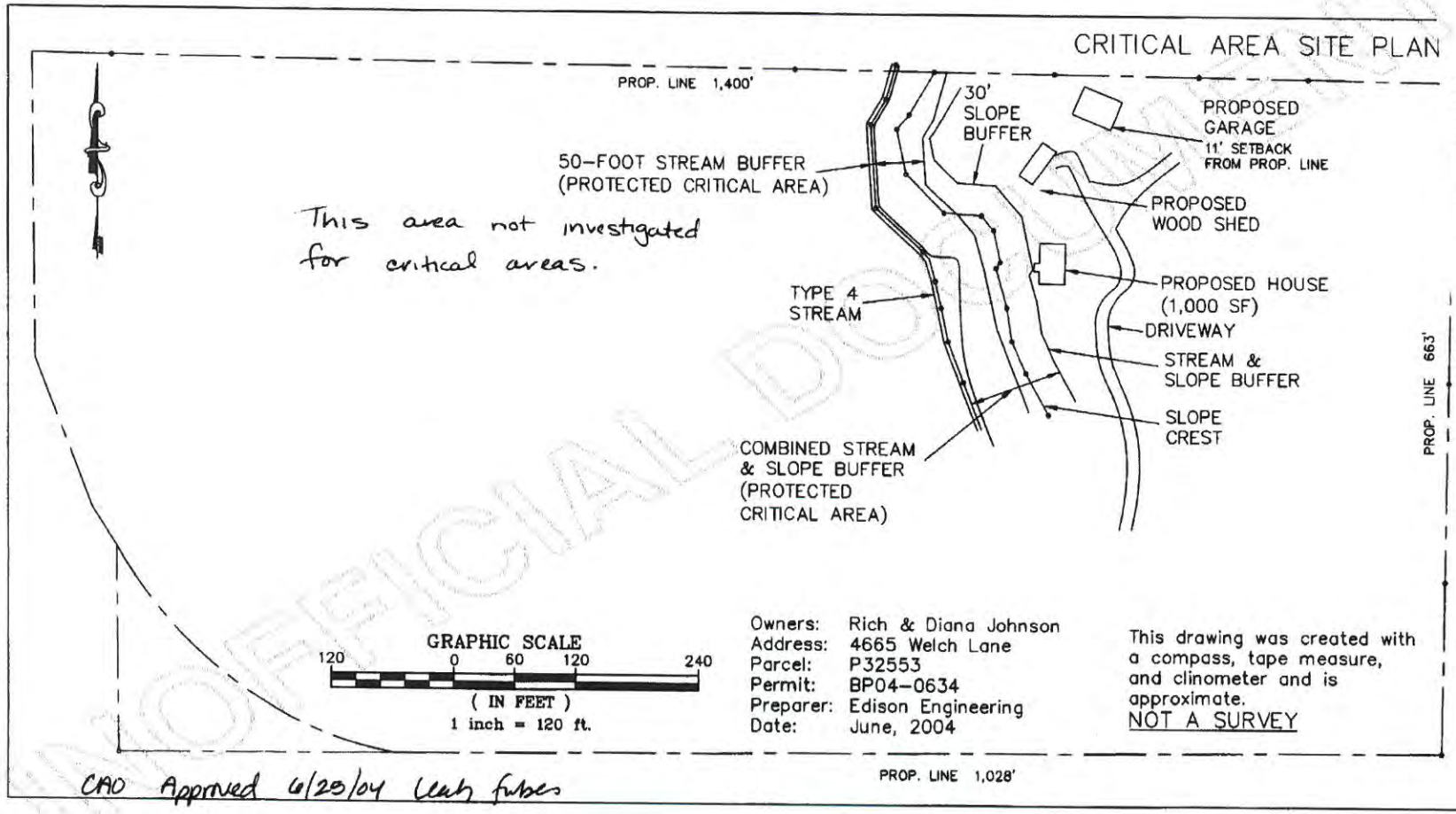
Owner: Diana M Johnson Date: 6-30-04

On this day personally appeared before me Diana M. Johnson known to be the individual described herein and acknowledged to me that She signed the same as Her free and voluntary act and deed for the uses and purposes therein mentioned.

Cathy J. Bay-Schmith, Notary Public in and for the State of Washington, residing at Anacortes, WA 98221 Date: 6-30-04

CATHY J. BAY-SCHMITH
STATE OF WASHINGTON
NOTARY —o— PUBLIC
MY COMMISSION EXPIRES 11-28-07

CRITICAL AREA SITE PLAN



Owners: Rich & Diana Johnson
Address: 4665 Welch Lane
Parcel: P32553
Permit: BP04-0634
Preparer: Edison Engineering
Date: June, 2004

This drawing was created with a compass, tape measure, and clinometer and is approximate.
NOT A SURVEY

CAO Approved 6/25/04 Leah Forbes

UNOFFICIAL DOCUMENT

200406300061
Skagit County Auditor
6/30/2004 Page 2 of 2 10:09AM

Return Name & Address:

_____

_____

_____

200903270123
Skagit County Auditor
3/27/2009 Page 1 of 1 2:04PM

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

PLAT LOT OF RECORD CERTIFICATION

File Number: PL06-1121

Applicant Name: Richard & Diana Johnson

Property Owner Name: Richard & Diana Johnson

The Department hereby finds that Lots 1 & 2 of Short Plat PL06-1121 recorded on March 27, 2009 under AF#200903270122

Parcel Number: P32553
Ptn NW ¼ of the NE ¼ of Sec. 35, Twn 35 N, Rge 1 E. W.M.

1. CONVEYANCE

X ***ARE*** Lots of Record as defined in Skagit County Code (SCC) 14.04.020 and therefore **ARE** eligible for conveyance.

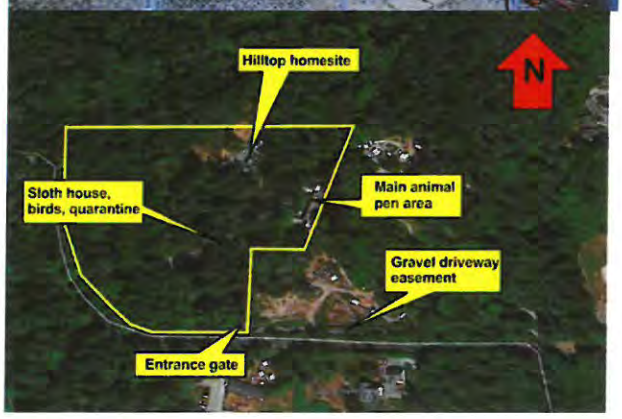
2. DEVELOPMENT

X ***ARE***, the minimum lot size required for the Rural Reserve zoning district in which the lots are located and therefore **ARE** eligible to be considered for development permits.

☐ ***IS/ARE NOT***, the minimum lot size required for the _____ zoning district in which the lot(s) is/are located, but does meet an exemption listed in SCC 14.16.850(4)(c)_____ and therefore **IS/ARE** eligible to be considered for development permits.

Authorized Signature: [signature] Date: 3/27/09

UNOFFICIAL DOCUMENT

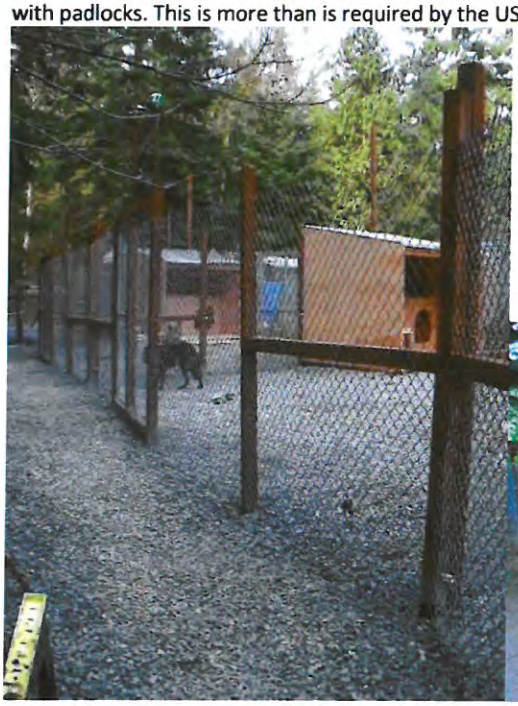
1. **If your operation will use a building please describe the size, height and construction type. This building must be**
   - 12x12 Gift Shop which was permitted by Skagit county. The retail building is the only permanently installed improvement that is recognized by the Skagit County assessor. It has 220 square feet and is secured to a post and beam foundation. It was constructed in 2017 under a building permit and is attached to a semi-truck trailer and a steel cargo shipping container which are both parked side-by-side.
   - shown on the site plan.
   - 
   - 

D. **Describe in detail how the animals are kept: Types and location of enclosures, fencing (length, height, location, etc.), amount of area required for each (i.e., square footage, acreage?) and what amount of area is currently provided for each.**

ALL ENCLOUSURES ARE UNDER LOCK AND KEY PADLOCK SYSTEM. Each animal caging requirement is different depending on species, but is in full compliance with USDA regulations as well as animal control and DFW guidelines -All small mammals have 6 sided enclosures. This means bottom of enclosures are lined with a wire mesh or chain-link and they are topped. All small mammal enclosures have a 6' with tilt in perimeter fence that with at least a 3' walkway in between enclosure and perimeter per USDA requirements.




-All wolf enclosures are at least 6'-8' high. Our post and stretch fencing is 6' and our chain-link panel are 8' high with electric wire running top and middle and bottom. Wolves in our bottom part of our compound have 6' fencing with a 6' perimeter fence with 1.5' tilt ins. Wolves in bigger 1–2-acre runs are 6' high with 1' tilt in's and a 3-strand hot fence system 8-9 volt. Wolves are put away into night runs when staff is unavailable to supervise in bigger runs. All night runs are 24'x24'x8' with cattle panel bottoms, chain-link tops with solid roof tops. All night runs placed within the acer runs act as permitter fence for night runs. Both permitter doors and cage doors are locked with padlocks. This is more than is required by the USDA.




-3 cougar enclosures and 1 bobcat enclosure are 24'x36' each. They all have chain-link roof. Per USDA guidelines all cat enclosures must have a covered walkway /perimeter fence. All cats have a 3' walkway all the way around

enclosures that is topped. It also includes an additional 6' with tilt in perimeter fence for extra safety.



-Bird flights are chain-link and topped. No dig outs are required for these enclosures.



- South American Trailer- Sloths, armadillo, kinkajous and tortoises are kept in a 40' mortified insulated container. This ensures that temperatures remain over 80 degrees as each animal housed in this facility requires that temperament for survival.



- Reptile house. Reptile house is another 40' refer unit and contains wooden enclosures with glass fronts and consist of all sizes to accommodate species of snakes or lizards. Reptile house temperature is always set at 82 degrees. The main heat source is propane furnaces. Some reptiles require UVB lighting and cages are set up to accommodate the special lights needed.





PLZ2-0577
RECEIVED
DEC 02 2022
SKAGIT COUNTY
PDS

EXHIBIT C

WOLF ENCOUNTERS ANACORTES, WA

Predators of the Heart

"Dedicated to wildlife education, conservation, rescue"

4709 Welch Lane, Anacortes, WA 98221

Email: admin@predatorsoftheheart.com Phone: (360)770-7479

Mr. Cricchio and Skagit County Officials:

Thank you for receiving our application for a Special Use Permit with Skagit County. We have carefully and thoroughly reviewed the public comments and have provided responses as requested by Skagit County. As you'll see below, Predators of the Heart (POTH) has always operated lawfully and, with one specific instance in 2021, has been a thoroughly safe and secure operation, providing sanctuary and protection for the animals it houses. POTH is a 501(c)(3) organization, vetted and routinely inspected by the United States Department of Agriculture (USDA). The USDA licenses POTH as a Class C Exhibitor, which is the highest level of licensing provided by the USDA for civilian organizations.

As a preface, it is critical that Skagit County understand what will happen if it denies this request for a Special Use Permit.

Should this permit be denied, most of the animals housed by POTH, either as rescues or for permanent placement, would likely have to be euthanized. This includes, but is not limited to, all its wolfdog population, cougars, birds of prey, reptiles, and small mammals. These animals are cared for by POTH and all POTH's proceeds go to the care and safekeeping of these animals.

It is also critical to preface by noting that POTH has been in operation at this location since 2001—over 20 years at this location. It has operated largely in the face of hostility from a few select neighbors who seemed to copy and paste their comments on each of their letters. Despite those complaints, POTH has provided a continuous and vital resource to the community since its inception.

I. Exemptions

As noted above, Predators of the Heart operates lawfully and always has. Some of the comments—most notably by Kevin Welch and his attorney—say that POTH is "operating unlawfully" under RCW 16.30.030. Under RCW 16.30.030(1), "a person shall not own, possess, keep, harbor, bring into the state, or have custody or control of a potentially dangerous animal **except as provided in subsection (3) of this section**." (emphasis added.)

RCW 16.30.030(3)

The law cited by Mr. Welch and his attorney provides its own exemption. Under RCW 16.30.030(3), "A person in legal possession of a potentially dangerous wild animal prior to July 22, 2007, and who is the legal possessor of the animal may keep possession of the animal for the remainder of the animal's life."

Clearly, since POTH has been in operation since 1998, all "potentially dangerous animals" as defined by RCW 16.30 in its possession have been with POTH since before 2007 or are being housed on behalf of animal control or a government agency. All veterinary records, acquisition papers, and other documents that show POTH has possessed these animals prior to 2007 are available for Skagit County officials to review.

Yet, POTH's exemptions do not end there.

WOLF ENCOUNTERS ANACORTES, WA

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RCW 16.030.020

Under RCW 16.30.020(c), "Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the animal control authority or acting under the authority of this chapter" are exempt from RCW 16.30.

POTH is a duly incorporated nonprofit animal protection organization, and as evidenced by the attached contracts, works closely with animal control, Department of Fish and Wildlife (DFW), the U.S. military, and various counties across the state of Washington to provide housing and protection for rescued animals. For instance, earlier this summer, POTH worked with local military and animal control agencies to house and protect animals seized by each respective organization and does so on a regular basis. See attached **Exhibit A, example of government contract**.

POTH is exempt from RCW 16.30 under RCW 16.30.020(c) as it operates as a shelter and humane society, and houses animals at the written request of the animal control authority or acting under the authority of this chapter. Out of 100 animals currently residing at POTH, over 80 animals are rescues and have been given sanctuary because of POTH's work. For instance, within the last year, the U.S. military, DFW, USDA, and U.S. Customs all contacted POTH regarding providing sanctuary for an animal. POTH provides this service for the benefit of the community. Many, if not most of these animals would have to be euthanized if not for POTH's work.

In summary: POTH is indeed a "duly incorporated nonprofit animal protection organization" (see attached **Exhibit B, Nonprofit Status with the IRS and Washington Secretary of State**) and likewise houses, "**an animal** at the written request of…animal control authority or acting under the authority of this chapter." Again: POTH works regularly with animal control agencies, law enforcement agencies, and federal authorities and has written agreements a sample of which has been attached hereto as **Exhibit A, Example of Government Contract.** POTH continues to assist many state and federal agencies, housing ***many animals*** at the written request of law enforcement and animal control agencies.

RCW 16.30.010(5)

In addition, POTH is a wildlife sanctuary under RCW 16.30.010(5).

RCW 16.30.010(5) defines a wildlife sanctuary as, "…a **nonprofit organization**…that cares for animals defined as **potentially dangerous** and:

(1) No activity that is **not inherent** to the animal's nature, natural conduct or the animal in its natural habitat is **conducted**;

(2) No **commercial activity** involving animals occurs including, but not limited to, the sale of or trade in animals, animal parts, animal by-products or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;

(3) No **unescorted** public visitations or direct contact between the public and an animal; or

(4) No **breeding** of animals occurs in the facility.

As noted above, POTH operates as a nonprofit organization and does not engage in any activity that is "not inherent" to the animal's nature, that no "commercial activity" involving animals is taking place—specifically defining the sale or trade in animals or animal parts, by-products or offspring, or the sale of photographic opportunities involving an animal, "or the use of an animal for any type of entertainment purpose…"

Of important note: educational tours involving the animals are ***not*** for entertainment purposes; they are educational in nature. POTH staff and tour guides are highly trained regarding the nature of the animals, their diet(s), care and upkeep, housing, and much more. The tours that take place are never, ever "unescorted" and there is no "direct contact" between the public and a "potentially dangerous" animal. All POTH's animals, except for the wolfdogs, are enclosed and unavailable to the public (more details below).

POTH cares for animals defined under Washington law as "potentially dangerous"—specifically, its cougar(s) that require constant care and maintenance due to their inability to care for themselves. POTH has animals listed on RCW 16.30.010(5): cougars, alligators, primates, and one snake that are members of the *family viperidae* RCW 16.30.010 specifically excludes wolf-hybrids. RCW 16.30.010(2)(B) defines *family canidae*, wolves, as potentially dangerous, but specifically excludes **wolf-hybrids.** POTH's wolfdog population are ***wolf-hybrids*** and, under RCW 16.30.010(2)(B), are specifically excluded from RCW 16.30.010.

The other animals referenced in the statute, namely cougars and snakes that are part of the *family elapidae*, are fully enclosed and never interact with the general public. The cougars have been owned prior to 2007 and any viewing occurs with two separate layers of fencing. POTH only allows certain members of its staff with specialized training to interact with the cougars because of their inability to care for themselves. For instance, one of the cougars suffers from severe diabetes—meaning it has a specialized diet and certain requirements for its care. There have never been any escapes from an enclosure, nor any interaction with the general public. These cougars are in the care of POTH because they need constant support. Without the care that POTH provides, the cougars would die.

The snakes housed by POTH are likewise enclosed: they live in full enclosures and are never exposed to the public for handling.

As such, as a nonprofit organization whose ***specific purpose*** is to house and care for "potentially dangerous animals" doing so at the behest of government organizations, POTH is considered a wildlife sanctuary and is exempt from RCW 16.30 under RCW 16.30.010(5).

RCW 16.30.020(l)—Class C Exhibitor/Fair Exemptions

Finally, POTH's USDA Class C Exhibitor License also exempts it to RCW 16.30.010. Due to its work with state and local fair(s) statewide, POTH is exempt from RCW 16.30 under RCW 16.30.020(l). Further, as a Class C Exhibitor, the USDA's highest level of licensing available to non-governmental entities, POTH is exempt from RCW 16.30 because of the extensive training required for said licensing. The plain language of the statute allows for POTH to ***exhibit*** the animals in its care and exempts the organization due to its participation in fairs statewide. It would be erroneous and nonsensical to "exempt" an organization from these regulations for the time(s) that it interacts with the general public most explicitly—at a public fair.

As a USDA Class C Exhibitor, POTH goes through regular (and random) inspections by federal officials. USDA inspections review all aspects of POTH's operations: safety of the community and upkeep/caretaking of the animals, employee safety, animal care and diet, housing, ventilation, lighting, interior surfaces/cleanliness, enclosures/escapability, sanitation, pest control, feeding and watering, outdoor shelter(s), compatibility, record-keeping, veterinary care, handling, and transportation.

In short: POTH's USDA Class C licensing subjects it to intense scrutiny, and its exhibiting at state fair(s) provide it with a broad exemption from RCW 16.30. Because of its licensing and work with governmental authorities, POTH likewise has been toured by many government agencies such as DFW, animal control

agencies, Skagit County officials, and each have inspected and reviewed its operations. As noted herein, POTH has attached its most recent USDA inspection, which took place in August 2022, where it received a perfect, no-compliance inspection. This is the highest rating available for a USDA inspection. See attached **Exhibit C, USDA August Inspection Results**.

Summary

POTH operates under several exemptions under Washington law. Each of which provide POTH with a full-fledged exemption to the laws regarding the housing and care of wild, exotic and/or potentially dangerous animals. POTH is a resource to law enforcement, animal control, DFW, and many other organizations; POTH works closely with local, state and federal authorities and has the highest-available licensing for civilian organizations (Class C Exhibitor License with the USDA) which requires extensive training, routine (and random) inspections and a litany of regulations for the care of its animals. POTH has been and will continue to be a resource to the community by safely housing and caring for each of the animals that are in its stead.

II. Non-Profit Purpose

There were a few comments inquiring about how POTH can operate educational tours (Airbnb tours, for one) while still maintaining its nonprofit status.

Every activity that POTH undertakes, from educational tours, to speaking events, to fairs, only **furthers its nonprofit purpose**. Simply because a nonprofit engages with a for-profit entity does not void its nonprofit status. The law requires that a nonprofit partake in activities that further its nonprofit purpose—every activity and event that POTH engages in, from educational tours to speaking events, is meant to raise awareness and funds for the protection, caregiving, and safekeeping of the animals it houses. Educating the public through tours is only one way in which that nonprofit purpose is furthered.

POTH's nonprofit purpose is based on connecting us, as humans, to the glory and wonder of creation, including wildlife. God has connected all living things, and it is our job to maintain and care for these animals and the earth. As amended in 2015, under its Articles of Incorporation, "Predators of the Heart is a licensed 501(c)(3) nonprofit organization animal sanctuary that cares for potentially dangerous animals by providing a safe home for unwanted or abused…animals that have been confiscated by animal control agencies as well as potentially dangerous animals that for other reasons need to be safely housed and cared for…" This means that POTH's purpose is to provide care and safekeeping to the animals that it houses—most of which could not survive without the constant care that POTH provides.

Further, and of note: the bylaws of POTH explicitly note that there shall be ***no breeding*** of animals. POTH does not breed exotic animals of any kind.

Historically, POTH was founded as a faith-based, religious organization that connects wildlife and the glory of creation to people. We are stewards of God's creation and are meant to care for these animals; POTH exists to showcase that connection and to educate people on the web of life. Thousands of reviews online showcase that POTH is a place where people experience the beauty and glory of nature—which is why it has not eroded or otherwise developed the natural habitat where the animals reside.

The paid educational tours that POTH provides allows POTH to feed, house and otherwise protect these animals. Every dollar that is raised or paid to POTH goes to the care and well-being of the animals that it provides sanctuary for.

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Virtual School Tours

Additionally, over the last number of years, POTH has partnered with Washington state school districts, providing virtual tours and educating thousands of children on how each animal plays a vital role in the web of life. With each of these tours, we are bringing a hope and a new love and appreciation for nature, including the animals we are trying to save and protect. Prior to these virtual tours, for many years POTH provided on-site animal experiences at many schools across the state of Washington.

POTH now also offers free virtual tours to all the schools districts in the United States and hopes to provide international educational tours in the years to come for qualified educational institutions. We hope to bring awareness to our youth the roles each and every animal plays allowing the ecosystem to survive and how we all contribute to the state of the world that we all share. This again is based on our religious foundation and the role that each of us plays in nature.

POTH has also had the opportunity to partner with the Make-a-Wish Foundation. We have had the opportunity to meet and serve an amazing young woman named Addie.

Addie was diagnosed with a brain tumor and was only given a few months to live. Her dreams and desire were to be an exotic veterinary technician. She was able to come out to our property and meet some amazing creatures. The impact she had on our organization are unexplainable. Her family have written a letter on our behalf, which is attached to this response as **Exhibit D, Addie's Letter.** We provide these kinds of tours for free to the Make-a-Wish foundation. It is an honor and a privilege for POTH to provide a safe, secure place where these kinds of tours can take place.

Veteran Programs

POTH also works continuously for those who have served our country. We have partnered with our local military and provide them with an outreach program that caters to the men and women who have fought and served for our freedoms, providing tours to military families who have experienced trauma and have served our country so faithfully. POTH looks forward to continuing to work with local, regional and national organizations that assist veterans.

III. Safety

POTH has worked tirelessly with federal, state and local authorities at providing the safest and most secure facilities possible for the benefit of the community and the technology available. Having been at its current location for over twenty (20) years, POTH has had only two escapes—one of which was the result of repeated antagonization by neighboring, leash-less dogs.

One of the two escapes resulted in the death of a local dog. The neighboring dog, as mentioned, had repeatedly antagonized the wolfdogs of POTH. This was a tragic situation that could have happened to ***any*** neighbors with dogs.

That being said: POTH has taken every available measure to ensure that this ***never*** happens again.

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First, POTH has reallocated its enclosures so that no wolves or wolf enclosures border any neighboring property. This means that the wolfdog runs and enclosures will never come in contact with neighbors, their pets or other animals—the enclosures and runs have all been moved so that they are never able to be "antagonized" or in any way approached by bordering properties. It removes all potential engagement with neighboring pets or people.

Second, POTH has implemented six-sided fencing for its wolfdog enclosures. These enclosures are impossible for wolfdogs, or canines of any kind, to escape. This means that there is fencing above, below, and around the wolfdogs. They literally cannot escape as explained more fully below.

Third, nearly every inch of POTH's compound is under surveillance and/or populated with staff 24/7. POTH's camera system tracks each animal, movement, incursions into the property and any movement from the property. The camera system, which again surveys virtually every foot of the property, is monitored 24/7, 365 days a week by POTH staff.

Finally, and most tragically, the wolfdog that was instigated and escaped has been euthanized by POTH. This wolfdog was with the staff for many years and was cared for by them. Still, unprompted, POTH euthanized the wolfdog as a result of the 2021 incident.

Six-Sided Fencing

As noted above, the wolfdogs are now ***always*** in six-sided fences at night, and are never in a position to escape the compound. These safety measures have been reviewed by various agencies, including the USDA, who have remarked that the safety measures taken by POTH are beyond adequate. Again: a six-sided enclosure means that the wolves ***cannot escape***; they cannot dig out and they cannot jump over the fence. The fence is six-sided (above, below and four-walls) at all times when the wolves are not supervised.

Additionally, POTH has reallocated resources and moved its fencing so that none of the wolves, nor their runs, ever border any area where a human or pet could engage with them even through a six-sided fence.

Further, POTH has also put the enclosures of the wolves into *other* enclosures; meaning, even if a wolf were to somehow escape—they would only be able to escape into an additional enclosure. In a six-sided enclosure, escape is impossible. However, even considering that fact, POTH has implemented a fail-safe program whereby the wolves would only be able to escape into another enclosure.

Cameras

For safety and security purposes, POTH has not disclosed all of its camera angles and vantage points, but nearly every square foot of the compound is visible by POTH staff. The compound itself is monitored 24/7 by POTH, 365 days a year. Staff are on-site daily with the animals. When they are not with the animals, the animals are housed in six-sided enclosures as noted above.

USDA Inspections

As recently as August 5, 2022, POTH was inspected by the United States Department of Agriculture (USDA) and came away with its highest inspection status (no non-compliance). POTH continues to hold a Class C Exhibitor license, which is the highest licensing available to non-government agencies.

This also means that **any escape** requires a USDA inspection. Further—even when **no escape** occurs but an escape is ***reported or alleged***, POTH is subsequently inspected by the USDA. This means that even when no escape happens, and, say, a coyote is mistaken for a wolf—the USDA still visits POTH and inspects its

facilities. This happens regularly. Additionally, POTH has invited other government agencies, such as Department of Fish and Wildlife and animal control agencies, including Skagit County officials, to inspect and review its operations. The comments from neighbors do not seem to have a clear understanding as to what POTH does, nor what animals it houses. Most of the animals at the POTH facility are rescued animals; the animals that are not, such as ambassador wolfdogs, are highly trained and are not considered dangerous or exotic by the USDA nor the Department of Fish and Wildlife. They are classified as canines. They are no more dangerous or vicious than any other dog, though, like all dogs, have different temperaments. POTH has attached its last 2 USDA inspection results to this Response. POTH has provided the results of its August inspection as noted herein.

Further, claims that POTH has had "repeated escapes" is inherently false.

"Repeated" Escapes

Some of the commenters have indicated "seeing" wolves on their property or properties. This is incorrect.

It is important to note that most of the public comments likely have been promulgated and fueled by Kevin Welch, a businessman who has a history of disrepute in the community who has targeted the Predators of the Heart property for development. If POTH is denied a permit, Mr. Welch has long desired to acquire POTH's property for his own benefit and leisure. Mr. Welch has made more than one offer on the POTH property over the years. Further, if POTH is denied a permit—most of the animals that have been provided sanctuary will have to be euthanized.

Mr. Welch has repeatedly sought to trespass onto POTH's property, approaching our fence line and gated entrance in an effort to gain access so as to attempt to harm POTH and its organization. He, or his employees, have likely also repeatedly called POTH over the last number of months attempting to get POTH to violate its agreement with Skagit County. Mr. Welch even sought to book an educational tour with POTH, knowing that POTH was shut down while going through the Special Use Permit process. Mr. Welch also claims that POTH's operations will bring excessive traffic to the area; we have also attached the camera footage of his property receiving over 36 vehicles in one day and 22 vehicles on another. POTH does not receive nearly that amount of traffic on any given day. Suffice to say: neighboring properties receive far more traffic than the few cars that travel to/from POTH's compound for educational tours.

In any event, the actions of Mr. Welch show that he is not a concerned citizen. If Mr. Welch was so concerned with the safety of the animals—including the housing of the wolfdogs on the property or the other rescued animals being dangerous—he would not have repeatedly trespassed onto POTH property attempting to take pictures while attempting to incriminate POTH.

Further, Mr. Welch, or Mr. Welch's attorney, cites nebulous, baseless claims. For instance, Mr. Welch's attorney notes that, "one of our clients has seen wolves running loose on adjacent properties and in the Anacortes Community Forest on at least five separate occasions." This type of vague, unfounded claim is only meant to stir up fear for Mr. Welch's personal gain. Regarding that specific statement: first,

there have been no escapes other than what has been publicly noted and discussed by POTH. Any escape, **and any alleged escape**, requires that the USDA be notified with a follow-up inspection. There have simply been no escapes.

Second: all of these properties are located in an admittedly *rural* area, bordering on hundreds of acres of forest and trails. Many animals—including large dogs and coyotes—run freely on these trails and in this area. It would

be impossible to identify a wolf unless it were up close—very close—to a human being. If a wolf were identifiable as belonging to POTH, it would have been noted and written about already. No wolves have escaped. Additionally, if a wolf were ***running*** as indicated by Mr. Welch's attorney—how could it have been identifiable as a wolf to an untrained eye, from an unknown distance? How could an untrained individual identify that a wolf and not a coyote or a large dog was "running" on land that borders over 500 acres of forest land and trails? The reality is that those kinds of claims are patently false and intentionally unverifiable—they are fearmongering statements that have no way of being verified, and only serve to scare people.

The reality is that there have not been "repeated" escapes. There have been two escapes in over 20 years, and one was at least partially due to the repeated instigation of a leash-less dog. As noted above, that issue has been remedied—the wolfdog enclosures no longer border any other property. Further, the wolfdog responsible has been euthanized and additional measures have been implemented to ensure that no wolf ever escapes again, regardless of the antagonization that occurs on the other side of the fence.

2012 Escape

First: wolfdogs are not classified by the USDA or Washington State as "Dangerous Animals" nor are they considered wildlife.

As noted above, POTH has already addressed the fact that neither the federal government nor Washington state recognize wolf-hybrids as "potentially dangerous animals" nor are they considered wildlife.

Second: Like any organization, POTH has drastically changed in its operations from 2012. Technology has changed and so have the operations for POTH. It has implemented many new security measures since 2012 and management has changed entirely. Some of those changes have been noted herein.

Third: as noted above, the wolfdogs are now ***always*** in six-sided fences at night and are never in a position to escape the compound. These safety measures have been reviewed by various agencies, including the USDA, who have remarked that the safety measures taken by POTH are beyond adequate. Again: a six-sided enclosure means that the wolfdogs ***cannot escape***; they cannot dig out and they cannot jump over the fence. The fence is six-sided (above, below and four-walls) at all times when the wolves are not supervised.

Fourth, and finally: during the 2012 escape, no one was injured, and the wolfdog was more docile than most common house dogs. To recount: the wolfdog at that time was approached by a law enforcement officer, who was accompanied by a German Shepherd—the POTH wolfdog came when called and was leashed without incident. This instance would have been threatening to most dogs; a law enforcement agent, accompanied by a large breed dog, would have been threatening to most dogs—and yet, the POTH wolfdog was docile, came when called, and was leashed without incident.

The public comment made by Mr. Welch makes specific note of the backseat of the law enforcement vehicle being "destroyed". This is a misstatement and shows a clear propensity to try and manipulate facts. **Any dog placed into the backseat of a car—especially a car with no windows—would become agitated and try to escape.**

Further, any dog that is housed exclusively outdoors and is not "house trained" would have a similar response to being put into an enclosed vehicle without supervision because it would cause the animal anxiety. In other words: if a Bernese Mountain dog who lived outside, or a German Shepherd or any large breed dog, were placed into the back of a vehicle without supervision, such an act would likely cause anxiety and the dog—any dog—might have a similar response. Even small dogs, such as a Jack Russell Terrier, would

or could "destroy" a car in the same manner as the wolfdog. The "destruction" of the backseat of a car is not an act of aggression; any animal expert—and most animal lovers—would testify to the same truth.

The fact that Mr. Welch failed to note (or his attorney failed to note) was the fact that the wolfdog was ***completely docile*** and ***non-aggressive*** with the law enforcement agent ***and the law enforcement agent's dog*** show that they have no idea about the actual proclivities of the animals housed at POTH. Mr. Welch paints his own picture that the wolfdogs housed by POTH are vicious, wild animals—and yet cites to a story (from 2012) that shows, unequivocally, that the wolfdogs **come when called** and are **leashed without issue**. This is a great example as to POTH's animal sanctuary and why it exists in the first place—to educate the public on the web of life and the wonder of creation.

Mr. Welch's attorney also seems to make arguments that are incompatible with each other: on the one hand, he argues that the POTH property is located in a "rural community" that has very few people present, and yet simultaneously argues that POTH is surrounded by many families and homes.

In truth, Mr. Welch is not anywhere near the POTH property. His repeated trespasses onto the POTH property clearly show that he, for one, does not find the POTH property to be dangerous or a nuisance. It would appear that the primary instigator—the person responsible for most of the negative ire directed at POTH's operations—is clearly someone who is not worried about his own safety or the safety of the Welch Lane community as he so boldly trespasses onto the POTH property.

These animals, like all animals, are not human. They are in need of service and protection; they have been rescued from dire situations. Each animal has been accounted for and is available for viewing, as many rescues allow, so that the public can be educated on their need and connectedness to nature. God has created these animals; it is our job to steward and protect them.

IV. Misstatements and Clarifications

A number of comments had misstatements or fallacious information in them, which we will seek to clarify below.

"Predators houses and breeds dozens of dangerous, wild animals"

- Predators does not breed animals, neither does it house wild animals.
- All of the animals housed are rescued or have been acquired from dire situations—such as the cougars, which were acquired by POTH prior to 2007. By way of example, these cougars are old, decrepit and sick. One of the cougars, Boy, suffers from severe diabetes. He would not and could not survive in the wild, which is why POTH cares for him daily.

"It is unclear what percentage of the Predators animals are indeed full wolves"

- None of the wolves are "full wolves". Every wolfdog housed by POTH is a wolfdog—there are no "full wolves".

"A wild animal "sanctuary" is incompatible with the neighboring properties because it poses a significant threat to the safety and health of the Welch Lane community."

- POTH has been on this property without issue for over 20 years. It is notable that not every bordering neighbor sees POTH as a problem—only a few, and those few are led by Kevin Welch, who has sought to acquire POTH's property for his own benefit. POTH has lived peaceably with other neighbors in the Welch Lane community that have not been instigated by Kevin Welch for over 20 years.
- A singular instance whereby an instigating dog was killed has been rectified by POTH, both financially and operationally. POTH is routinely checked by federal authorities for its safety compliance. It has reallocated its resources so that no wolfdog enclosure borders any neighboring property and has implemented a six-sided fencing system to ensure that wolfdogs cannot escape.
- POTH has been a continual resource to the community, including working closely with law enforcement, animal control, the U.S. military and other federal and state agencies to provide sanctuary for these animals.

"An October 2017 escape occurred"

- There was no escape at that time. Instead, an individual trespassed onto POTH property—the story cited merely notes that POTH implemented "warning signs" regarding its property.

"Humane shelters do not breed animals or offer paid tours to the public; their primary purpose is to rescue and rehome unhoused animals."

- This was clearly written by an individual who only knows of dog and cat shelters. Most of the animals rescued and housed by POTH cannot be "rehomed". They require specialized care and are brought to POTH precisely because no one can care for them.
- Additionally, as noted, POTH does not breed animals. This is stated clearly in its Articles of Incorporation, which is publicly available on the Secretary of State's website
- Over 80% of its animals have been brought to POTH due to rescue—which is supported by the contracts POTH have provided in this response.

"The exception for persons displaying animals at a fair under RCW 16.30.020(1)(l) does not apply to [POTH]…"

- Mr. Welch's attorney goes out of his way to state that the Legislature "did not intend to allow an organization or individual to house dozens of…animals on a year-round basis so long as they show animals at a state fair a few times per year" and yet—cites no authority about the Legislative intent for this exemption which clearly applies to POTH as it does, indeed, exhibit animals at fairs for several years.
- The plain language of the statute speaks for itself—the fair exemption is one of the exemptions for organizations to be exempt from the cited statute.

- Rather than cite actual authority or legislative intent, Mr. Welch's attorney cites *City of Yakima v. Godoy*, a case that has nothing to do with RCW 16.30.020—but is about whether a car can be parked on

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a highway during a police chase. This is a clear attempt to make it *seem* like case law that supports his position, when in reality the plain language of the statute at hand exempts POTH due to its work in the public spectrum at fairs.

- Mr. Welch's attorney, lacking authority, uses subterfuge and unrelated case law to attempt to misdirect Skagit County into believing that POTH's operations are somehow illegal—which they clearly are not.

"[POTH]…continues to violate various state laws"

- The citations set out by Mr. Welch and Mr. Welch's attorney are all virtually focused on the same misdirection. POTH has several legal exemptions that allow it to operate, which it has noted above. It provides a public service to animal control and many state and federal entities. POTH is currently engaged in contractual relationships with multiple government entities.
- It is not a *per se* public nuisance because it is *exempt* from the statutes cited. Per se, meaning in violation of the law, is a false statement.

"POTH already creates and will continue to create undue noise and odor for the surrounding dwelling units."

- Ironically, Mr. Welch (who made this comment) has far more traffic enter/exit onto his property than POTH on any given day. For example, on August 30, 2022 to August 31, 2022, Kevin Welch—the neighboring property for POTH—had no less than **20 vehicles** enter and exit his driveway, which includes his own employees and laborers. On September 6,2022, Mr. Welch's property had **36 cars** enter and exit his property. Mr. Welch also utilizes four-wheelers and ATV units on his property, and on any given day, uses massive street sweepers to clear his driveway as well as tractors and a "boom mower" to cut trees loudly and in mass. See attached **Exhibit E, Kevin Welch Property Traffic.** POTH is privy to this information because of its camera system, which monitors any potential exits or incursions to/from the POTH property. Suffice to say, Mr. Welch's property and his property's activities create far more traffic and noise than POTH's compound.
- Mr. Welch's attorney cites a complaint from 2015 which was dismissed—largely because the claims were not factually based, but were based on unsupported commentary by Mr. Welch himself.
- There are no odors from meat or other waste because POTH utilizes dumpsters. See attached **Exhibit F, Photos of POTH Dumpster.** All waste is properly disposed of.
- The property is in a rural location, bordering hundreds of acres of forest land, whereby actual wild animals do, indeed, make noise. The POTH compound is exceedingly quiet. The cougars referenced by Mr. Welch can barely walk—they do not screech. The wolfdogs housed by POTH howl three to four times per day—for less than 50 seconds. The noise does not stop regular conversations during educational tours—it is not excessive, repetitive nor exceedingly loud.
- There is no basis under which Mr. Welch claims that there is "excessive noise"; Skagit County employees were on-site and can attest to the volume of the animals.

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"How can they work with AirBnB and be a nonprofit?"

- The term "nonprofit" is short for ***not-for-profit***—it does not mean that an organization cannot charge for tours or activities that further its nonprofit purpose. For example, aquariums, zoos, wildlife sanctuaries—all charge for tours and yet they maintain their respective statuses as nonprofit organizations. With that, any nonprofit activity—such as an educational tour—must be "in furtherance of its nonprofit purpose"—of which every activity that POTH engages in does (including its educational tours).
- Moreover, all proceeds generated by POTH, its educational tours and other activities go exclusively to the care and safekeeping of the animals POTH houses. Not-for-profit means that the organization itself is not meant to benefit or profit an individual, partners or shareholders. POTH is a vetted 501(c)(3) organization with both the IRS and the Washington Department of Revenue. It exists to further its nonprofit purpose, which it has done for the last 20+ years.

"[POTH] and its frequent paid tours generate and will continue to generate intrusions on the privacy of surrounding uses."

- As noted: POTH has far less traffic than one of the chief complainants, Mr. Kevin Welch. Mr. Welch has far more employees visiting his property on a daily basis and creates more noise with his property upkeep than any of POTH's activities.
- POTH does not generate "commercial traffic"; they have less than twenty people per day on any given day in a rural area.

"Never until the past four or five years have I felt unsafe walking in the forest lands right adjacent to our property…our neighbors [POTH] have been in the news with documentation of dogs being killed by their hybrid wolves."

- Oddly, Jenny Welch (wife of Kevin Welch) should know that POTH has been operating with its various rescued animals—including its wolfdog population—since 2001yet has "felt unsafe" in the last four or five years. There's no explanation as to why she suddenly felt "unsafe" in the last "four or five years" since POTH has been on the property and operating in the same manner since 2001.
- Ms. Welch cites to a "freelance writer Betsy Sikora Siino" in an unpublished "article".
- This kind of fearmongering is not based in any kind an accurate depiction of wolfdogs and is not a credible source.

"POTH is seeking to expand"

- There is no planned expansion—nowhere in the Special Use Permit application has POTH stated that it plans to expand operations. If anything, POTH has sought to reduce its population in recent years.

"It's a pay to play zoo where you can pay large sums of money to stay overnight"

- This is patently false. POTH is a wildlife sanctuary that provides educational tours in furtherance of its nonprofit purpose. There are **no overnight** accommodations, nor is POTH a "pay to play zoo".



Predators of the Heart

"Dedicated to wildlife education, conservation, rescue"

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POTH exists to provide sanctuary and to educate the public on the importance of these wonderful, glorious creatures. We continue to work closely with federal, state, and local authorities to house animals that would otherwise be euthanized and/or can no longer care for themselves. It is a joy and a privilege to care for these animals. If our Special Use Permit is denied, many, if not most of these animals will have to be euthanized.

Thank you for your consideration and working with us through the permitting process. If you have any more questions, please feel free to contact me.

Ashley Carr
President / Executive Director
Predators of the Heart
360-770-7479

PL22-0577

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EXHIBIT D

SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

EDWARD & LYNNE BORLIN, DAVID & PAMELA KNUTSEN, NOLAN BERLIN & MILLICENT SWIETZER, and KEVIN & JENNY WELCH, Plaintiffs, v. PREDATORS OF THE HEART, a Washington nonprofit corporation, ASHLEY CARR, and DENISE COLEBURN, Defendants.	NO. 22-2-00526-29 PREDATORS OF THE HEART'S RESPONSES TO PLAINTIFFS' FIRST DISCOVERY REQUESTS

I. PRELIMINARY STATEMENT

Predators of the Heart (***POTH***) submits the following responses to Plaintiffs' First Set of Interrogatories and Requests for Production.

These responses are made solely for the purpose of this action. Each response produced is subject to all appropriate objections (including, but not limited to, objections concerning competency, relevancy, materiality, propriety and admissibility) which would require the exclusion of any statement contained herein, if any such information were sought to be introduced into evidence in Court. All such objections and grounds are reserved and may be interposed at the time of trial.

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Except as expressly admitted in these responses, no facts should be taken as admitted, implied, or inferred from these responses. Further, no inference as to the existence of any responsive information or documents should be made from the assertion of any objection to any interrogatory contained herein.

POTH objects to Plaintiffs' interrogatories and requests for production to the extent they seek information and/or documents protected from disclosure as confidential, proprietary, trade secret, research, development, commercial, personal, or other protected information. As such, nothing contained in these responses is intended to, nor shall be deemed, a waiver of any available privilege or immunity. To the extent that any of Plaintiffs' interrogatories or requests for production call for such information, POTH objects to the same and assert privilege and/or the need for Court protection. If any privileged or protected document or information is disclosed, except pursuant to a specific agreement concerning the same, then the disclosure shall be deemed inadvertent and shall not be evidence of an intention to waive any applicable privilege or protection.

POTH objects to Plaintiffs' interrogatories and requests for production insofar as they neither call for information and documents which are relevant to the subject matter of the action, nor are they reasonably calculated to lead to the discovery of admissible evidence.

POTH objects to Plaintiffs' interrogatories and requests for production as unduly burdensome or expansive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources and the importance of the issues at stake in the litigation, pursuant to CR 26(b)(1).

POTH objects to Plaintiffs' interrogatories and requests for production to the extent that they seek information from each Defendant simultaneously through a single request. POTH is aware that most Defendants lack any knowledge of the substance related to Plaintiffs' demands, which underscores their improper purpose.

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POTH objects to Plaintiffs' definitions and instructions to the extent that the same impose burdens which are not authorized by the Civil Rules or seek to invade attorney-client privilege or violate any other applicable privilege. Further, all statutory and common law privileges are hereby preserved with respect to POTH knowledge, information, and documentation in their possession.

POTH has not completed an investigation of facts, witnesses, or documents related to this action; have not completed analyses of available data; have not yet completed discovery in this action; and have not completed preparation for trial. Thus, although a good faith effort has been made to supply pertinent information when it has been requested, it is not possible in many instances for unqualified responses to be made. Further, the responses are necessarily made without prejudice to POTH right to produce any subsequently discovered facts, witnesses, or documents, as well as any new theories or contentions that any of them may adopt. These responses are also given without prejudice to POTH right to provide facts, witnesses, or documents omitted from these responses by oversight, inadvertent or good faith error or mistake. POTH may furnish information that includes hearsay and other forms of evidence that are neither reliable nor admissible. The foregoing objections, qualifications, and limitations are incorporated by reference into each one of the following responses to the particular interrogatories and requests for productions set forth below.

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POTH'S RESPONSES

INTERROGATORY NO. 1: Identify any person with whom you have communicated regarding this lawsuit, the subject matter of this lawsuit, or the allegations of the Complaint (not including your attorneys of record in this lawsuit). For each person, identify the nature, contents, and date of each such communication.

ANSWER:

Objection. The request is overly broad, unduly burdensome, compound, and not reasonably calculated to lead to the discovery of relevant evidence.

Without waiving such objections, POTH has discussed this lawsuit amongst its board members, Ashley Carr, Daniel Overman, and April Grossrock. POTH has also discussed this lawsuit with its employees. Furthermore, POTH posted a story on various social media sites regarding the lawsuit.

INTERROGATORY NO. 2: Identify each person whom you expect to call as an expert witness; state the subject matter on which the expert will testify; state the substance of the facts and opinions to which the expert will testify; and state the grounds for each opinion.

ANSWER:

POTH has yet to identify an expert witness. POTH may supplement this answer as the litigation progresses.

INTERROGATORY NO. 3: For the time period September 1, 2012, through the present, identify all current and past members of your Board of Directors, including each member's name, title, years involved in the role, and current contact information.

ANSWER:

Ashley Carr

April Grossrock

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Daniel Overman

William Coleburn

Jeanne Hall

Jack Coleburn

David Wertz

Tony Cloud

Denise Coleburn

Justin Krueger

INTERROGATORY NO. 4: For the time period September 1, 2012, through the present, identify all your employees, including full- and part-time employees. For each employee, provide the individual's name, job title or a brief description of their responsibilities, relevant degrees and certifications, years employed, and current contact information.

ANSWER:

Objection. The request is overly broad, unduly burdensome, beyond the scope of Plaintiffs' litigation, compound, and not reasonably necessary to lead to the discovery of relevant evidence.

Ashley Carr: Executive Director/ Manager. Manages day to day operations, USDA Certified. Has been with POTH for 24 years employed in 2008 volunteered from 1998-2008.

Holly Soyke: Animal Caretaker, cares for the animals and performs education tours. Interned 2018 for 3 months, employed May 2019. Has BS in zoology, Masters certificate in wildlife management, working on masters in natural resources, USDA certified.

Jeremy Gier: Animal Caretaker: Cares for animals helps with educational tours. USDA Certified. Employed 11/2018

Timothy Wilson: Animal Caretaker: Cares for animals helps with educational tours. USDA Certified. Employed 3/28/2022

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Angela Smith: Animal Caretaker: Cares for animals helps with educational tours. USDA Certified. Employed 7/14/2022

Denise Downs: Accountant: Accounts receivable. Employed 3/1/22

INTERROGATORY NO. 5: For the time period September 1, 2012, through the present, identify your volunteers, including the individual's name, date range during which they volunteered, and contact information.

ANSWER:

Objection. The request is overly broad, unduly burdensome, beyond the scope of Plaintiffs' litigation, compound, and not reasonably necessary to lead to the discovery of relevant evidence. Without waiving these objections, the names provided below are not exhaustive, and Plaintiffs' should review documents provided with these responses at Bates Stamp 1443 through 1479.

William Coleburn

Jeanne Hall

Jack Coleburn

David Wertz

Tony Cloud

Denise Coleburn

Justin Krueger

Ashley Carr

Daniel Overman

April Grossrock

Alicia Lanphear

Chris Patterson

Sunny Lee

Kenny Cole

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Caleb Cole

Kurt Cole

Cody Knight

Sadie Dupar

Alyssa Rennengay

Agnes Reese

Kevin Lowrey

Chrystal Lowrey

Ross Baker

Mike Roddy

John Winter

Tina Belle Isle

Mark Bodie

Margot Knuth

Mark Beaudet

Greg Shellen

Kevin Martinez

Paige Coburn

Brandon Wallace

Bruce Mullen

Kim Cole

Angie Zwiers

Ryan Tupper

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INTERROGATORY NO. 6: Identify all Animals currently in your possession, custody, or control. In your response, include the species, number of each species, how each Animal was obtained (*e.g.*, purchased, bred by Predators, received from individual, received from governmental agency), and what type of enclosure each Animal is housed in.

ANSWER:

Objection. The request is overly broad, unduly burdensome, and compound. The animals listed below are all housed in enclosures that are in compliance with all state and federal regulations.

ANIMAL	HOW RECEIVED
Cougar	Owned prior 2007
2 Cougars	Born at facility
Bobcat	Rescue
15 wolves	Born at facility
4 Racoons	Rescue
2 Sloths	Authorities
Armadillo	Authorities
4 Sulcata Tortoises	Rescue
4 Ducks	Rescue
2 Doves	Rescue
3 Pheasants	Rescue
Porcupine	Authorities
Coatimindi	Authorities
3 Rabbits	Rescue
Giant Anteater	Authorities
8 Opossums	Rescue

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2 Marmosets	Authorities
9 Cockatoos	Authorities
2 Amazons	Authorities
6 Macaws	Authorities
15 Parakeets	Rescue
Lord Darby	Authorities
2 Cockatiels	Rescue
6 Plum Heads	Authorities
2 Red Footed Tortoises	Rescue
Blood Python	Rescue
2 Ball Pythons	Authorities
Rattlesnake	Authorities
Savannah Monitor	Rescue
Caiman Lizard	Authorities
2 Iguanas	Rescue
2 Reticulated Python	Rescue
Blue Tongue Skink	Rescue
6 Alligators	Authorities
2 Snapping Alligators	Authorities
2 Burmese Pythons	Rescue
Beaded Lizard	Rescue
Yellow Headed Vulture	Unknown
Striped Skunk	Rescue
Hooded Skunk	Authorities
Carpet Python	Rescue

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Albino Red Tailed Boa	Rescue
2 Kinkajous	Transfer
2 Goats	Purchased

INTERROGATORY NO. 7: For the time period September 1, 2012, through the present, identify every Escape of any Animal from its enclosure, including the Animals involved, persons present at the Property when the Escape occurred (if any), persons notified of the Escape, time elapsed before capture, and how and by whom the Animal was ultimately captured.

ANSWER:

In the last 20+ years, there have been two escapes.

In 2012, our white wolfdog, Shasta, escaped. This wolfdog was ultimately apprehended without issue by animal control and was returned to POTH. No individuals or animals were injured. This has been documented previously and all facts have been previously sent to Plaintiffs and is available via public record. POTH's enclosures have been drastically overhauled since this time, as this escape occurred over ten years ago.

In October 2021, POTH staff discovered that, after being provoked by an unleashed, neighboring dog, three wolfdogs dug beneath the fencing of their day run to pursue the provoking neighbor dog. The neighboring dog was killed by Celine the wolfdog. The escape occurred at 9:27am and the wolfdogs were apprehended by staff within 20 minutes. The wolfdogs all came when called.

As a result of this escape, POTH euthanized Celine. POTH notified USDA, animal control, and the City of Anacortes immediately; neighbors were contacted via local authorities.

Further, POTH has re-allocated resources so that no neighboring properties border wolf enclosures, thus eliminating the ability of wolfdogs to escape onto neighboring property regardless of provocation.

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INTERROGATORY NO. 8: For the time period September 1, 2012, through the present, identify all injuries to persons occurring at the Property as well as all instances in which you were notified of an injury occurring at the Property, including the name of the injured person, relationship of the person to Predators, Animal(s) involved (if any), and date of the incident.

ANSWER:

In 2018, a puppy nipped at a guest, Jennifer, but did not break her skin or clothing. The guest was ultimately frightened, but no injury occurred. The guest called POTH shortly after the experience and apologized for her erratic behavior and confirmed that no injury occurred.

On April 19 2022, an employee, Amanda McCall, was bit on her hand by one of the sloths.

INTERROGATORY NO. 9: Identify all certifications, accreditations, or licenses that you currently possess, as well as all pending applications for certifications, accreditations, or licenses.

ANSWER:

USDA Class C Exhibitors- 91-C-0071

Tax Exempt- 91-1951095

Skagit County Special Use Permit

INTERROGATORY NO. 10: Identify all certifications, accreditations, or licenses for which you applied but did not receive.

ANSWER:

In 2014, a Skagit County Special Use Permit was refunded from the County. Due to the permitting being unnecessary for POTH's operations.

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INTERROGATORY NO. 11: For the time period September 1, 2012, through the present, identify all instances in which you sold any Animal(s) in your custody, possession, or control.

ANSWER:

Wolf Dog Transfer Date
8/16/12
4/17/13
5/1/13
5/2/13
5/13/13
5/14/13
5/23/13
6/5/13
6/17/13
6/17/13
6/26/13
6/28/13
7/6/13
5/19/14
6/2/14
4/13/15
4/16/15
5/12/15
5/12/15
5/24/16
5/25/16
5/27/16
6/2/16
6/3/16
6/6/16
6/14/16
5/16/17
5/30/17
6/16/17
6/20/17
5/29/18

INTERROGATORY NO. 12: Identify each Animal currently in your possession, custody, or control (including but not limited to wolves, wolf-hybrids, and mountain lions) that was bred by Predators or otherwise born at the Property.

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ANSWER:

One cougar was conceived by accident approximately ten years ago; USDA was notified and is aware of the incident, and it has not occurred since.

Wolfdogs had been conceived prior to SCC 7.04 for conservation efforts, as allowable by law.

INTERROGATORY NO. 13: For the time period September 1, 2017, through the present, identify all instances in which you displayed your Animals at a fair and which Animals were displayed at each fair.

ANSWER:

2017 Grant County Fair and Chelan County Fair.

2018 Chelan County Fair

2019 Chelan County Fair

2021 San Juan County Fair

Wolfdogs, cougars, owl, vulture, porcupine, opossums, prehensile porcupine, cobra, green mamba, rattle snakes, alligators, corn snakes, skunk, fox, blood python, reticulated python, kinkajou, beaded lizard, glia monster, Burmese pythons, iguanas.

INTERROGATORY NO. 14: For each of your current employees with supervisory responsibilities or your agents with supervisory responsibilities, state that person's name, scope of authority, duties, dates of employment, supervisor(s), and compensation.

ANSWER:

Ashley Carr: Executive Director Supervisors Manages day to day operations

Holly Soyke: Animal Caretaker Lead for wolfdog and feline care

Jeremy Gier: Animal Caretaker Lead for Sloth and Birds

Timothy Wilson: Animal Caretaker Lead for Small Mammals

Angela Smith: Animal Caretaker: Lead for farm life and small mammals

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Denise Downs: Accountant: Accounts receivable

INTERROGATORY NO. 15: Identify the number of wolves in your possession, custody, or control, and identify which of those wolves was born at the Property and when.

ANSWER:

None.

INTERROGATORY NO. 16: Identify the number of wolf-hybrids in your possession, custody, or control, and identify which of those wolf-hybrids was born at the Property and when.

ANSWER:

All wolfdogs in current possession and custody were born on-site due to conservation efforts by POTH and as allowable by law.

INTERROGATORY NO. 17: Identify the height of each of the enclosures for the wolves, wolf-hybrids, and mountain lions in your possession, custody, or control.

ANSWER:

All enclosures meet all requisite USDA standards and requirements.

Cougars 8' 6 sided (top, bottom, 4 sides)

Wolves 6-8' with 2' tilt-ins and 5-strand electric for day runs with perimeter. Night runs 8' 6 sided (top, bottom, 4 sides) with perimeter 6'-8' with 2'tilt ins and electric 5 strand. After 2021 escape, POTH re-allocated resources to move all enclosures so that no enclosure borders any neighboring property as noted above.

INTERROGATORY NO. 18: Identify all services or platforms which you have used to sell or advertise tours, including but not limited to Airbnb.

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ANSWER:

POTH partners with AirBnB to promote and provide educational tours; such educational tours are also listed on POTH's website.

INTERROGATORY NO. 19: Identify each instance in which you advised any Plaintiff(s) of an Escape from the Property.

ANSWER:

For the Macaw escape: yes, neighbors were notified and assisted in re-capture. Macaw ultimately flew back onto the POTH property.

2012 escape: neighbors were notified as was animal control and local law enforcement (and USDA).

2021 escape: due to the swift nature and recapture of the wolfdogs, neighbors were notified after re-capture. Animal control, local authorities and USDA were all notified immediately.

INTERROGATORY NO. 20: Identify each person with knowledge of any Escape of any Animal that was or is in your custody, possession, or control.

ANSWER:

Ashley Carr, Jeremy Geir, Holly Soyke, William Coleburn.

OSERAN HAHN P.S.
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Bellevue, WA 98004
Phone: (425)-455-3900
FACSIMILE: (425)-455-9201

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 1.

RESPONSE:

Please see produced documents. Bates stamped POTH 0001-1154.

REQUEST FOR PRODUCTION NO. 2: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 2.

RESPONSE:

Please see response to interrogatory no. 2.

REQUEST FOR PRODUCTION NO. 3: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 6.

RESPONSE:

Please see produced documents. Bates stamped POTH 1155-1174.

REQUEST FOR PRODUCTION NO. 4: For every Animal identified in Interrogatory No. 6 as having been received by you from a governmental agency, produce all Documents between you and that agency concerning the Animal(s).

RESPONSE:

Objection. The request is unduly burdensome as these documents are available via public records and were disclosed during the public comment portion of POTH's application for a special use permit. Without waiving this objection, please see produced documents at POTH 1175-1191.

REQUEST FOR PRODUCTION NO. 5: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 9.

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RESPONSE:

Please see produced documents at POTH 1176-1223.

REQUEST FOR PRODUCTION NO. 6: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 10.

RESPONSE:

Please see produced documents at POTH 1224-1259.

REQUEST FOR PRODUCTION NO. 7: Produce all Documents that evidence, reflect, refer, and/or relate to, your answer to Interrogatory No. 11.

RESPONSE:

Please see produced documents at POTH 1260-1266.

REQUEST FOR PRODUCTION NO. 8: For the time period September 1, 2012, through the present, produce all Documents reflecting or referencing your Board of Directors' meeting minutes.

RESPONSE:

Please see produced documents at POTH 1267-1287.

REQUEST FOR PRODUCTION NO. 9: For the time period September 1, 2012, through the present, produce all Documents that evidence, reflect, refer, or relate to any complaint about or concerning you, the Property, or any Animal in your in its possession, custody, or control, including but not limited to complaints from visitors, volunteers, employees, and community members.

RESPONSE:

Objection. The request is broad, compound, and ambiguous. Without waiving the objections, Plaintiffs' are in control of the documents they have used to file this complaint. Furthermore, documents of various complaints are part of the public records during the open

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comment period of the Skagit County special use permit process. Without waiving these objections see produced documents at POTH 1288-1289. This answer may be supplemented as discovery progresses.

REQUEST FOR PRODUCTION NO. 10: Produce all Documents reflecting correspondence with Airbnb concerning Predators of the Heart and/or the Property.

RESPONSE:

Objection. The request is unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

REQUEST FOR PRODUCTION NO. 11: Produce all contracts with Airbnb or any similar platform, and all Documents reflecting any contracts with or contractual obligations to Airbnb or to any similar platform.

RESPONSE:

Objection. The request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant evidence. Without waiving the objections, please see produced documents at POTH 1290-1292.

REQUEST FOR PRODUCTION NO. 12: Produce all Documents previously produced by you to Skagit County in the Skagit County Litigation.

RESPONSE:

Objection. The request is unduly burdensome, redundant, and not reasonably calculated to lead the discovery of relevant evidence. All documents have been produced to Plaintiffs as part of the public comment process. Plaintiff produced those documents during the public comment time. All documents not references are available via public record.

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REQUEST FOR PRODUCTION NO. 13: For the time period September 1, 2019, through the present, produce Documents sufficient to show your month-by-month profits and losses.

RESPONSE:

Please see produced documents at POTH 1293-1298.

REQUEST FOR PRODUCTION NO. 14: For the time period September 1, 2019, through the present, produce Documents sufficient to show your month-by-month revenue.

RESPONSE:

Please see produced documents at POTH 1299-1304.

REQUEST FOR PRODUCTION NO. 15: Produce all Documents concerning your 2014 special use permit application, including any correspondence from Skagit County indicating that you were not required to secure a special use permit.

RESPONSE:

Please see produced documents at POTH 1305-1306. Much of the correspondence occurred via in-person meetings; as a small nonprofit organization, extensive records being kept of correspondence was not required by any law.

REQUEST FOR PRODUCTION NO. 16: For the time period September 1, 2012, through the present, produce all Documents reflecting or referencing your bylaws.

RESPONSE:

Objection. The request is unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

REQUEST FOR PRODUCTION NO. 17: For the time period September 1, 2012, through the present, produce all agreements with any Federal, State, or County agency or other regulatory body.

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RESPONSE:

Objection. The request is unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

REQUEST FOR PRODUCTION NO. 18: Produce all Documents provided to Skagit County in connection with your 2022 special use permit application.

RESPONSE:

Objection. The request is unduly burdensome as Plaintiffs are already in possession of these documents. All documents are public records. Without waiving these objections see POTH 1306-1408.

REQUEST FOR PRODUCTION NO. 19: Produce all correspondence concerning your 2022 special use permit application, including internal correspondence and correspondence with Skagit County.

RESPONSE:

Objection. The request asks for disclosure of communications that are protected by attorney-client privilege. All relevant documents are available to Plaintiffs via public records.

REQUEST FOR PRODUCTION NO. 20: Produce Documents sufficient to show your legal claim to and ownership over the Property.

RESPONSE:

Please see produced documents at POTH 1409-1415.

REQUEST FOR PRODUCTION NO. 21: Produce all Documents reflecting any right of refusal on sale of the Property.

RESPONSE:

No documents exist.

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REQUEST FOR PRODUCTION NO. 22: Produce Documents sufficient to show any easement access to the Property.

RESPONSE:

Please see produced documents at POTH 1416-1428.

REQUEST FOR PRODUCTION NO. 23: Produce all Documents concerning the Escape that occurred in 2021.

RESPONSE:

Objection. The request asks for disclosure of communications that are protected by attorney-client privilege. All relevant documents are available to Plaintiffs via public records. Without waiving such objections, see produced documents for the USDA report of escape at POTH 1429-1431.

REQUEST FOR PRODUCTION NO. 24: Produce all Documents concerning your 2022 purchase of the Property from William Coleburn, including your financing of that purchase.

RESPONSE:

Objection. The request is unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence. Without waiving these objections, please see produced documents at 1432-1442.

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ATTORNEY CERTIFICATION

In compliance with CR 26(g), the undersigned attorney for Predators of the Heart has reviewed the objections provided in these discovery responses.

DATED this 31st day of October 2022.

OSERAN HAHN P.S.

By: *s/ Caleb M. Stewart*
Caleb M. Stewart, WSBA No. 51522

PARTY VERIFICATION

I, Ashley Carr, have provided and read the above answers to Plaintiffs' First Set of Interrogatories and Requests for Production. I know the content thereof, and believe such answers to be true, complete, and accurate.

Date: October 31, 2022

Ashley Carr
President of Predators of the Heart

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11125 SE 6th Street, Suite 100
Bellevue, WA 98004
Phone: (425)-455-3900
FACSIMILE: (425)-455-9201

ATTORNEY CERTIFICATION

In compliance with CR 26(g), the undersigned attorney for Predators of the Heart has reviewed the objections provided in these discovery responses.

DATED this 31st day of October 2022.

OSERAN HAHN P.S.

By: *s/*
Caleb M. Stewart, WSBA No. 51522

PARTY VERIFICATION

I, Ashley Carr, have provided and read the above answers to Plaintiffs' First Set of Interrogatories and Requests for Production. I know the content thereof, and believe such answers to be true, complete, and accurate.

Date: October 31, 2022

Ashley Carr
President of Predators of the Heart

OSERAN HAHN P.S.
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Phone: (425)-455-3900
FACSIMILE: (425)-455-9201

PL22-0577

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EXHIBIT E

The original item was published from 12/26/2017 3:37:33 PM to 1/3/2020 2:29:17 PM.

What's Happening in Parks & Recreation

Posted on: December 26, 2017

[ARCHIVED] Warning signs in Anacortes Community Forest Lands

FOR IMMEDIATE RELEASE

December 26, 2017 - Anacortes, WA - The City of Anacortes has posted Warning signs on four trails in the Community Forest Lands to alert trail users that there is a wild animal refuge in unincorporated Skagit County. The trails with the signs are in the southern end of the Little Cranberry area. According to two police reports, in February 2012, a wolf from the refuge was captured in the ACFL. In October of 2017, a wolf escaped an enclosure and went on to private land adjacent to the animal refuge.
The signs read as follows:

Warning. There is a wild animal refuge in unincorporated Skagit County adjacent to the Anacortes Community Forest Lands. In the past, wolves have escaped their enclosure on to neighboring properties and the ACFL. Please stay on ACFL trails and use caution when walking with children and dogs. If you encounter a threatening situation call 911 immediately. Call ACFL staff at 360-299-1953 with questions.

Tools

RSS

Notify Me®

Categories

- All Categories
- Front Page
- What's Happening in Parks & Recreation
- Public Works
- Senior Activity Center
- Planning, Community, & Economic Development
- Public Land Use Notices
- Public Works - Solid Waste

Select Language

Jonn Lunsford

Parks and Recreation
jonnl@cityofanacortes.org
360-299-1953
P.O. Box 547
Anacortes, WA 98221

Other News in What's Happening in Parks & Recreation



98221 Studio Gallery-CALL TO ARTISTS
Posted on: April 18, 2022

Washington Park Restrooms
Posted on: February 7, 2022

Never miss an update! Sign up to stay connected
Posted on: January 5, 2022

Sign up for e-updates

eBikes in the ACFL-comments received by 2/24
Posted on: February 28, 2022

E-bikes in the ACFL-February 23rd Update
Posted on: February 25, 2022

E-bikes in the ACFL-New Comments 02/09/2022
Posted on: February 10, 2022

E-bikes in the ACFL-February 2nd Update
Posted on: February 2, 2022

E-bikes in the ACFL-January 26th Update
Posted on: January 26, 2022

E-bikes in the ACFL-New comments
Posted on: January 19, 2022

E-bikes in the ACFL
Posted on: January 14, 2022

Select Language

Appeal or Request for Reconsideration

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
voice 360-416-1320 · inspections 360-416-1330 · www.skagitcounty.net/planning

File #:
PL22-0583
12/2/2022
Received by: PA

Appeal

What are you appealing?

- ☑ Appeal of an Administrative Interpretation/Decision/Action to the Hearing Examiner
- ☐ Appeal of an Administrative Order to Abate (code enforcement order) to the Hearing Examiner
- ☐ Appeal of Impact Fees to the Hearing Examiner (impact fees must be paid) (SCC 14.30.070)
- ☐ Appeal of Hearing Examiner Decision/Action to the Board of County Commissioners
- ☐ Request for Reconsideration of a Hearing Examiner Decision (SCC 14.06.180)

File # of Appealed Decision or Permit	PL-22-0133	**Appeal Fee**	$	*PDS will calculate*
Date of Appealed Decision or Permit	12/2/22	**Publication Fee**	$	*PDS will calculate*

PDS staff: do not accept appeal form without full payment of fees

Appellant

Standing to appeal	☑ Permit applicant ☐ Party of Record ☐ Party subject to code enforcement order ☐ Other				
Name	PREDATORS OF THE HEART / Ashley Carr				
Address	4709 WELCH LANE				
City, State	ANACORTES, WA	**Zip**	98221	**Phone**	(360)770-7479
Email	ADMIN@PREDATORSOFTHEHEART.COM	**Signature**			

Attorney or Representative

☑ None

Name	Predators of the Heart				
Address	11225 SE 6TH STREET SUITE 100				
City, State	Anacortes, WA	**Zip**	98221	**Phone**	(425)455-3900
Email	admin@predatorsoftheheart.com				

Attachments

☑ For any of the **appeals** listed above, please attach a concise statement with numbered responses to the following questions.

1. What is your interest in this decision?
2. How are you aggrieved by the decision you are appealing?
3. What are the specific reasons you believe the decision is wrong?
   e.g. erroneous procedures, error in law, error in judgment, discovery of new evidence
4. Describe any new evidence.
5. List relevant sections of Skagit County Code.
6. Describe your desired outcome or changes to the decision.

☑ For a request for **reconsideration** of a Hearing Examiner decision, attach a statement identifying the specific errors alleged.

PL22-0583
RECEIVED
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SKAGIT COUNTY
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SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)
For: Predators of the Heart File Number: PL22-0133

SEPA DETERMINATION APPEAL

I. SUMMARY FACTUAL BACKGROUND

1.1. Predators of the Heart (POTH) is a Washington nonprofit, 501(c)(3) organization and has existed since 2001 at its Skagit County location since that time.

1.2. This statement of facts is not exhaustive; it is intended only as a summary.

1.3. POTH has established itself as a fixture in the community, being noted on many lists as "a reason to visit" Skagit County and the City of Anacortes. See attached **Exhibit A**.

1.4. More importantly, POTH has established itself as a resource over 20+ years in operation for law enforcement and other governmental agencies, including, but not limited to, the U.S. military and various animal control agencies.

1.5. Because of its interaction and resourcing for government agencies, including its USDA licensing, POTH is also required to have in-depth, regular and random inspections by federal agencies, including the USDA and animal control.

1.6. Because of its activities with government agencies, POTH is excluded from certain restrictions as to so-called "potentially dangerous animals". These exemptions have been noted extensively throughout this process, and include, but are not limited to its work with governmental agencies, and the care that it provides for confiscated and rescued animals. POTH provides a public service and operates as an animal sanctuary under both Washington and Skagit County law.

1.7. The County has never required any SEPA or other determinations requiring additional permitting for POTH over its 20+ years on the property, despite its knowledge and clear understanding of its existence. In fact, POTH attempted to apply for a Special Use Permit in 2015. After filing its required paperwork and submitting payment, the County refunded POTH its money, noting that POTH did not require any Special Use Permit.

1.8. To this point, POTH has always met every governmental regulation and requirement asked of it. Again, POTH previously sought to file for a Special Use Permit but was turned away and refunded its money. As a result, POTH relied on those comments and continued to provide services to local, state and federal government agencies, providing sanctuary and safe-keeping for confiscated, abandoned and rescued animals. Over eighty-percent (80%) of POTH's animals have been rescued and have been provided sanctuary by POTH.

1.9. In addition to its work with governmental authorities, POTH also showcases its animals annually at various fairs statewide for the purpose of public education and in furtherance of its nonprofit mission.

II. PROCEDURAL BASIS FOR APPEAL

2.1 POTH is exempt from SEPA considerations because it has no plans for growth or construction, aside from what Skagit County has required under its Mitigated

Determination of Nonsignificance. This means that the MDNS itself requires action that would then require an Environmental Study or EIS.

2.2 Skagit County has required POTH to implement actions that would be deleterious to the environment, including the wildlife surrounding POTH, but also to the land itself as set out below. POTH is exempt from SEPA considerations because it has not proposed any plans for construction or growth.

III. SUBSTANTIVE BASIS FOR APPEAL

The basis for POTH's substantive appeal is that (1) it has been in lawful operation for over twenty (20) years, with notice to Skagit County and (2) the requirements by Skagit County are unreasonable in their scope and magnitude.

Primarily, Skagit County is requesting that POTH exceed both the American Zoological Association's (AZA) requirements for licensing as well as the USDA's requirements for animals. POTH is appealing the decision because it has exceeded all governmental requirements, including that of the USDA, has no potentially dangerous animals bordering any neighboring property, and has agreed to have two layers of fencing for all of its animals that fall under the "potentially dangerous" designation.

Pursuant to RCW 42.21C.060, any exercise of authority by a government entity—here, Skagit County—must be *reasonable*. Under RCW 42.21C.060, "[s]uch action may be condition may be conditioned only to mitigate specific adverse environmental impacts which are identified in the environmental impacts which are identified in the environmental documents prepared under this chapter." Further, "...measures shall be ***reasonable*** and ***capable of being accomplished.***"

In short: Skagit County's requirements under the MDNS are neither reasonable nor capable of being accomplished.

Specifically, as related to Skagit County's requirements for fencing the requirements are not only harmful but are also in conflict with federal regulations related to the care and safekeeping of the animals. Further, POTH has set out proposed changes to the MDNS whereby POTH will meet the spirit of the requests by Skagit County.

(a) Six-Sided Fencing

POTH has already implemented six-sided fencing for its wolfdog population. However, during the day, when staff are present, the wolfdogs need an exercise area that is big enough to run and topping is not possible. Again: staff will be present when these day runs are used, but there are times when wolfdogs must be allowed to run when they are not leashed.

This means that POTH is proposing, as noted below, that the wolfdogs (and other animals categorized as "potentially dangerous") have TWO perimeter fences for their enclosures, along with their night enclosures. However, in their daytime runs, with staff present, the daytime runs would not have a "top" but would have three-strand electric fencing. The electric fencing would also be on the middle and bottom of these fences so as to deter potential dig-outs by the wolfdogs.

(b) Perimeter Fencing.

Skagit County has requested that we fence in the property and it's entirety 2 times with 8' fencing, 9 gage wire, with 2' tilt ins at 45° angle, and a 2' concrete wall in ground for dig out.

These requirements violate Skagit County Code as noted above. Creating these kinds of fences would require blasting into the mountain/hillside, which is rock face. This action would not only have an extremely deleterious effect on the natural growth, but it would be contrary to the Rural Reserve zoning where the Property is situated. In addition to the layers of fencing already in place, there are also natural barriers that have been created with many years of growth.

The requirement for a complete perimeter fencing is in violation of RCW 42.21C.060. A perimeter fence around the entirety of the property not only would bankrupt the organization, but is physically impossible. The property is located on the side of a mountain. To properly install such a fence, POTH would have to blast the mountainside, thus harming the environment in egregious ways. This means that Skagit County is requiring POTH to not only perform an unfeasible task, it is asking it to perform a task that would unnecessarily and deleteriously harm the environment.

Additionally, this requirement goes beyond what the AZA and USDA, and virtually all other similar organizations in the state of Washington, are required to do. POTH has already amended its operations so that every animal designated as "potentially dangerous" has been moved so that no enclosure borders any neighboring property and that every animal designated as "potentially dangerous" has a "double-fenced" enclosure.

ALTERNATE PROPOSAL:

Instead of an 8-foot perimeter fence around the entire property, POTH proposes a T-post and barbless fence around the property so proper required signage can be hung. Further, POTH would additionally implement two perimeter fences around "potential dangerous animals" enclosures or main animal holding area itself.

Of note: the requirements requested by Skagit County are far in excess of USDA requirements. The Cougar cages have this setup: two perimeter fences, which bar escape. This also includes two locked gates, which is in compliance with the notes below. Pursuant to USDA requirements, all mammals must have a perimeter fence with six foot fencing with two foot tilt ins; the cougars, which are climbing animals, have eight foot fencing. These requirements for other animals (i.e. wolfdogs) are not only unnecessary, they are unreasonable because wolfdogs do not climb like cats—they dig, because they are dogs

Additionally, as part of POTH's alternative proposal, POTH would install supplementary dig outs around each potentially dangerous animal instead of a 2' concrete wall. This would prevent digging through or under the wall, and would not block any natural drainage on the subject Property. This would again allow for continued compliance with the Rural Reserve zoning as well as the other applicable Skagit County Code sections. This would consist of a 4' inlay fence being laid in a select few day runs. All other runs already have dig outs. This means that POTH

would lay chain-link or cattle panel at the base of the fence edge 4' inward on ground and cover with proper mulch or ground cover. This way if the animal were to dig at fence line or 4' inward they would hit fencing. We would also do this around the main edge of the potentially dangerous animals Perimeter fencing. This is a more practical safety measure, again, because wolfdogs are considered dogs—they dig, not climb.

(c) Eight-Foot Fencing.

As noted above, the eight-foot fencing with two-foot tilt-ins is far in excess of USDA requirements. POTH has already built a perimeter fence for the "potentially dangerous animals" it houses, and is willing/able to implement a secondary fence as well as install additional concrete dig-outs so as to prevent digging (which is the more common action by wolf-dogs). The cougars already are in six-sided enclosures 24/7 and cannot escape. Please refer to POTH's proposal above to effectuate the desired outcome as stated by Skagit County.

(d) Secondary Perimeter Fencing.

POTH requests that Skagit only require a secondary perimeter fence around the "potentially dangerous animals". A full-property chain link fence is not only an expense that would likely bankrupt the organization, thus requiring the euthanization of all animals housed by POTH on behalf of various animal control, state and federal agencies, but would also be unnecessary.

This is in violation of RCW 42.21C.060. A perimeter fence around the entirety of the property not only would bankrupt the organization, but is physically impossible. The property is located on the side of a mountain. To properly install such a fence, POTH would have to blast the mountainside, thus harming the environment in egregious ways. This means that Skagit County is requiring POTH to not only perform an unfeasible task, it is asking it to perform a task that would unnecessarily and deleteriously harm the environment.

As stated by Skagit County, the primary concern is the "potentially dangerous animals". A secondary perimeter fence for the other animals—is unnecessary. Thus, a secondary perimeter fence for the potentially dangerous animals serves to protect the community as noted by Skagit County while also preserving the resources to care for these animals.

(e) Below Grade Fencing.

POTH is willing to employ fencing that is "comparable to" below grade fencing with mesh so as to prevent dig-outs, but due to the topography and terrain, a below-grade fence is impractical and/or impossible. POTH already employs this method effectively and has already begun this process. The concrete dig-outs proposed by POTH above also effectuate this same goal; it prevents the animals from digging out while simultaneously preserving the terrain for the animals and the Rural Reserve designation.

Again, the below-grade fencing required by Skagit County is in violation of RCW 42.21C.060. The "below-grade" fencing is not required by AZA or USDA standards, and POTH, as noted

above, has provided an alternative to keep with the requests as asked by the County. This is an unreasonable requirement.

(f) Motion Detected Lights

Skagit County has requested that POTH install motion detected lights for all of its perimeter fencing.

This requirement is in violation of RCW 42.21C.060, as it requires POTH to violate its nonprofit purpose and harm its animals. Many of POTH's animals, including those rescued or given safe-haven on behalf of government agencies, are nocturnal. POTH's facilities border trails and rural, wilderness whereby many animals would or could repeatedly set off any motion-detection lights. Motion-detection lights going off repeatedly would not only harm the animals, but would also violate POTH's requirements by law—because it would harm said animals.

POTH has already implemented a state-of-the-art motion-detection system that does not employ extensive lighting but ***does*** employ ***night-vision***. This means that POTH's 24/7 system can clearly see all animals and other objects, including human beings, that may encroach onto its property.

Motion detection lights are and will be harmful to the animals that POTH provides sanctuary for. As an animal sanctuary, POTH is required to provide habitat that is as close to the habitat that the animal(s) live in as is feasible. A motion detection system would cause psychological damage to the animals. POTH currently employs a motion sensor camera system for the ***entire property*** which is also equipped with night vision. This means that all activity is tracked.

Additionally, POTH proposes that instead of motion detection lights, POTH install a hard-wired lighting system around its T-Post fence so that if further investigation is necessary, lighting can be turned on. Again: motion detection is already in place, but the constant lighting would be problematic for the animals. It would also violate POTH's nonprofit, religious purpose.

Motion detection lighting would also likely be triggered by the many dogs in the area as well as the additional wildlife in the area that borders the POTH property. A motion detection light would be harmful to the animals, but likewise would be problematic to the neighboring properties.

(g) Manning Property

Neither the Association of Zoos and Aquariums (AZA) nor the USDA require a 24-hour manning of facilities. This means that even the Woodland Park Zoo is not required to have 24-hour manning of its facilities.

Given that all potentially dangerous animals (i.e. wolfdogs, cougars, etc.) will be housed in six-sided, unescapable enclosures at night, a 24-hour manning is an unreasonable requirement. Further, given POTH's limited resources, and the extensive efforts being made to continually improve on security measures, an on-site employee at POTH's property is an unreasonable requirement.

Additionally, as noted above, POTH has state-of-the-art electronic surveillance. For instance: in June 2022, a false report was made that a "wolf had escaped". POTH employees were able to confirm within 2 minutes that there was no escape and that all wolfdogs were present and accounted for. Animal Control was provided with the footage from the property, verifying that no escape had ever occurred.

Further, the animals can sense a person on-site; they, like all animals, need to be able to retreat from exposure to people. Exposure to people is different from a person; they can smell, hear and sense the presence of a person on-site. Like constant motion detection lighting, a person on-site would be damaging to the animals and their senses.

A person on-site 24 hours a day is unnecessary and unreasonable requirement. It would also harm the animals, thus violating federal and other requirements under state law.

(h) GPS Collars

No other wolf or wolfdog sanctuary, including, but not limited to, Wolfshaven or Wolfshollow, employ GPS tracking. Skagit County asking for POTH to put on GPS collars for all animals designated as "potentially dangerous" is unreasonable and in violation of Washington law. Additionally, such an action is unreasonable and unnecessary because of the additional requirements previously agreed-to by POTH.

GPS collars are not only expensive, but the technology is ineffective and impractical for these kinds of animals. Like all dogs, wolfdogs destroy these kinds of collars. When in day runs, which have extensive security measures in place, and would be the only place that these collars would be used according to the Mitigation Measures outlined by Skagit County.

As a reminder, POTH has and continues to immediately employ:

- Six-sided night enclosures with additional concrete dig-outs;
- Two perimeter fences for all of the "potentially dangerous animals";
- Full-coverage, 24/7 surveillance system;
- Electric fencing as part of the day run(s).

As such, the fencing changes and requirements, in addition to the state-of-the-art surveillance system, means that GPS collars are unnecessary. The fact that literally no other organization in the state employs such collars shows that Skagit County's requirements are unnecessary and unreasonable. These collars would be broken and destroyed quickly by animals who are not collared; they are meant to be kept in as natural a state as possible according to federal and state requirements—requiring constant collaring would be in violation of those laws.

IV. REQUEST FOR AMENDED MDNS/SEPA DETERMINATION

POTH has already implemented or has had in place prior to this Mitigated Determination of Nonsignificance (MDNS). However, some of the additional measures, as noted below, are unreasonable and impossible to accomplish. Others are unreasonable because of their

impracticability in terms of the effectiveness of the safety that they would provide both to the animals and the community.

Some of the mitigation measures, with note specifically to the requirement that POTH install a perimeter fence around the entire property, is unreasonable and impractical both for safety and financial reasons.

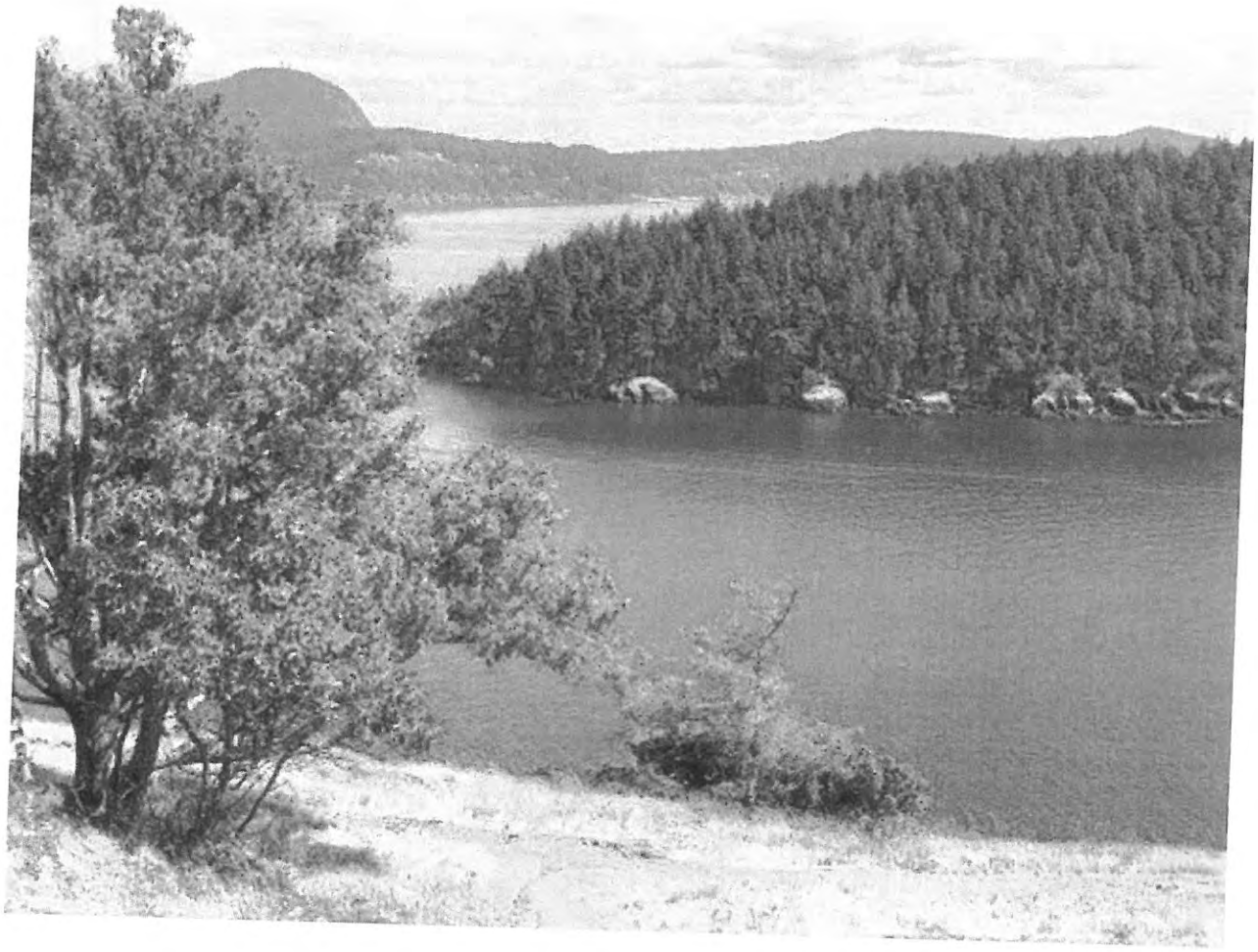
Instead, POTH can and will multiple layers of fencing around the animals as identified as "dangerous" by Skagit County: the wolfdogs, cougars and other dangerous animals, both now in the future. POTH has already implemented six-sided fencing for all of its wolfdogs as well as its cougars; it has also implemented multiple levels of fencing so that there are layers of fencing (i.e. two six-foot fences with two-foot tilt-ins on day-runs) as well as so-called "hot" fencing, meaning that the fences are electrified.

POTH has submitted its own comments related to the SEPA MDNS. POTH is requesting that its alternative proposal be accepted as an alternative to the MDNS, as Skagit County's current MDNS, as written, has unreasonable and impossible actions that are required by POTH to undertake.

EXHIBIT A

Top Attractions in Anacortes

See all



1. Washington Park

545

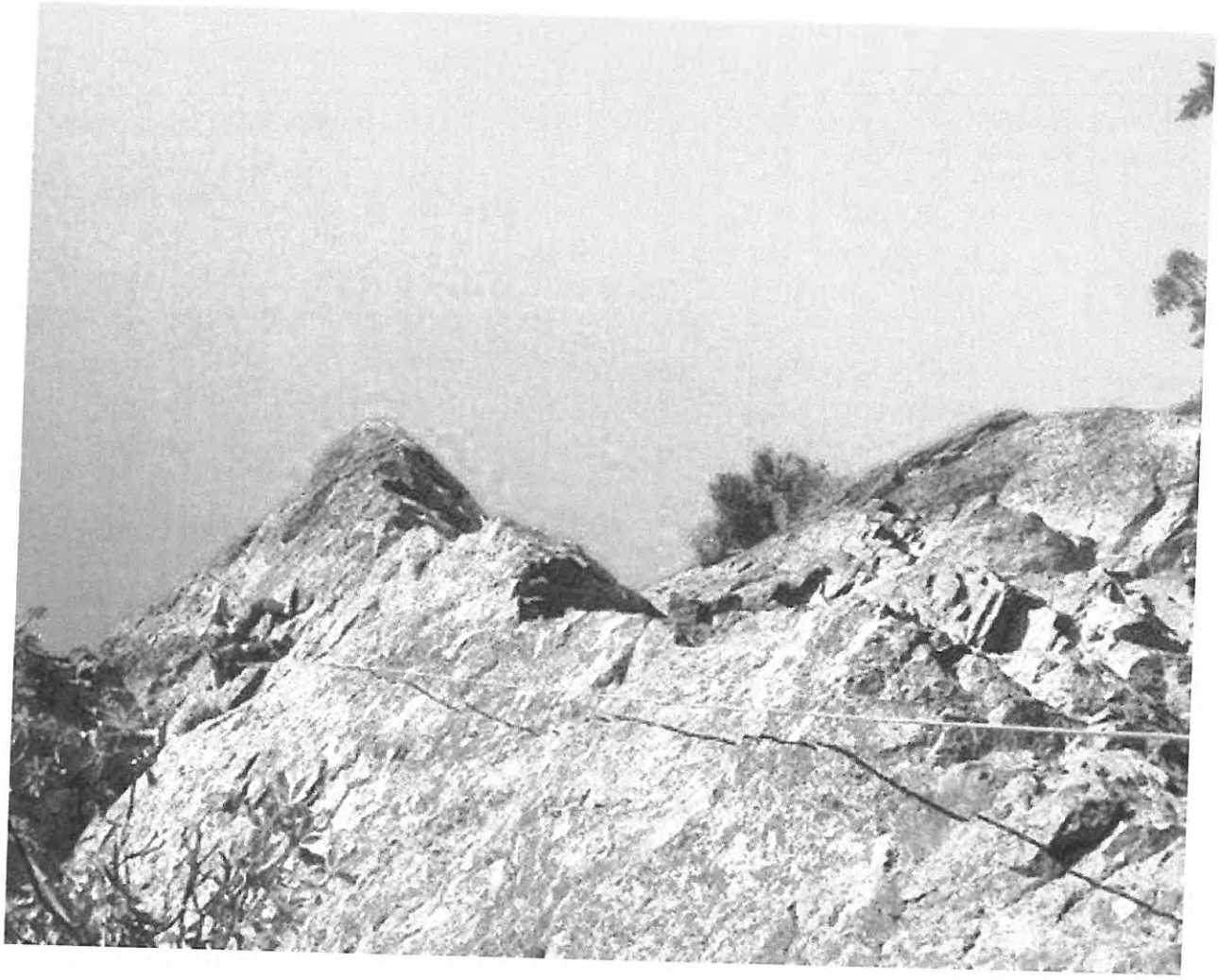
Parks

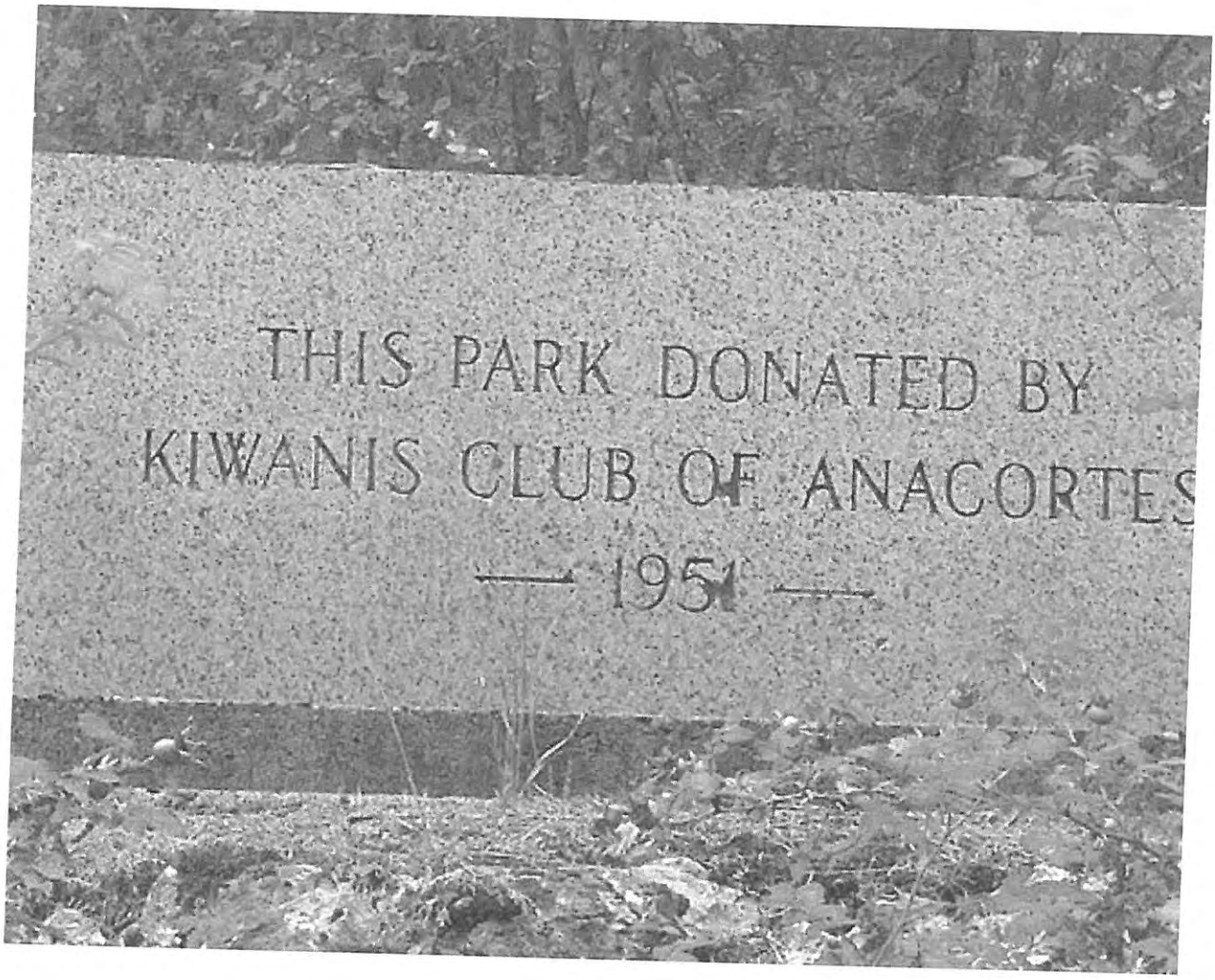


By NahanniRafter

It has quiet forrest trails; "calendar" views of sea, sky, and trees; geological wonders, beaches, and geo-caches.

- 





2. Mt Erie Park

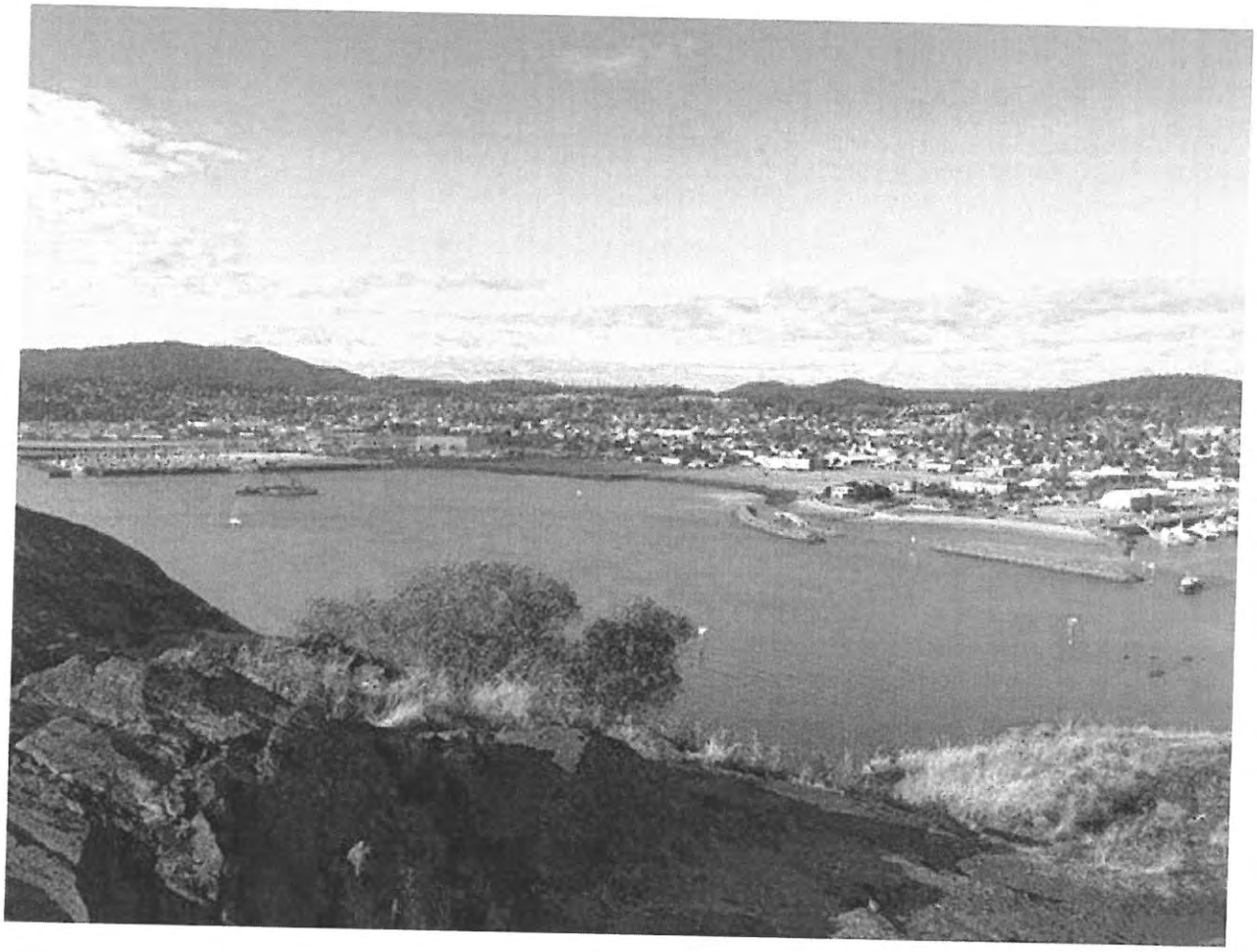
249

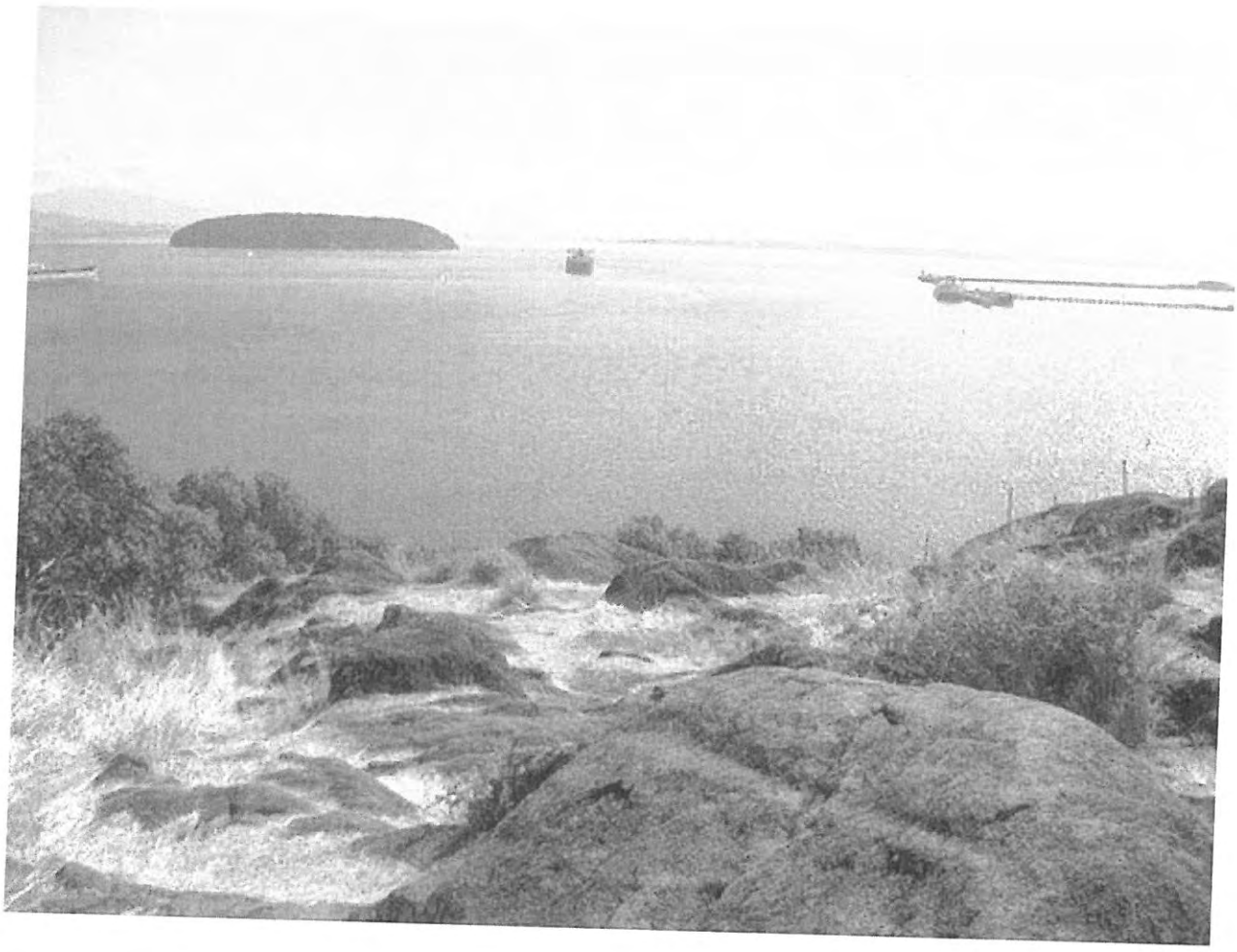
Mountains

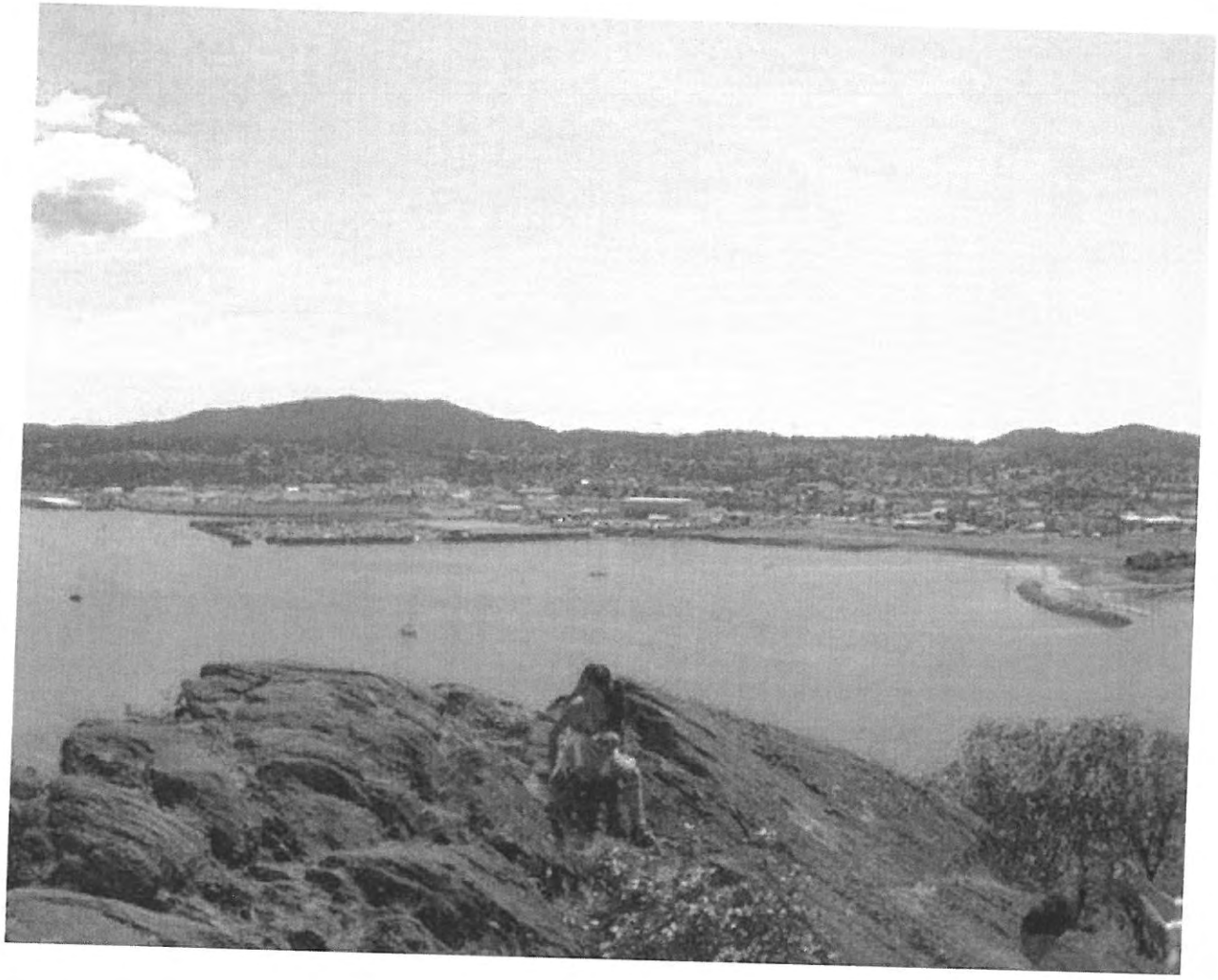


By n0ram66

Once we got to the parking area is was an easy walk to the viewpoints which included a stone bench, a memorialfor a...

- 

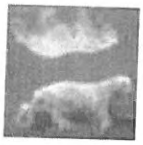




3. Cap Sante Park

220

Parks



By OregonCal

Pack a picnic and drive up to the lookout and watch the sun go down.



4. Predators of the Heart

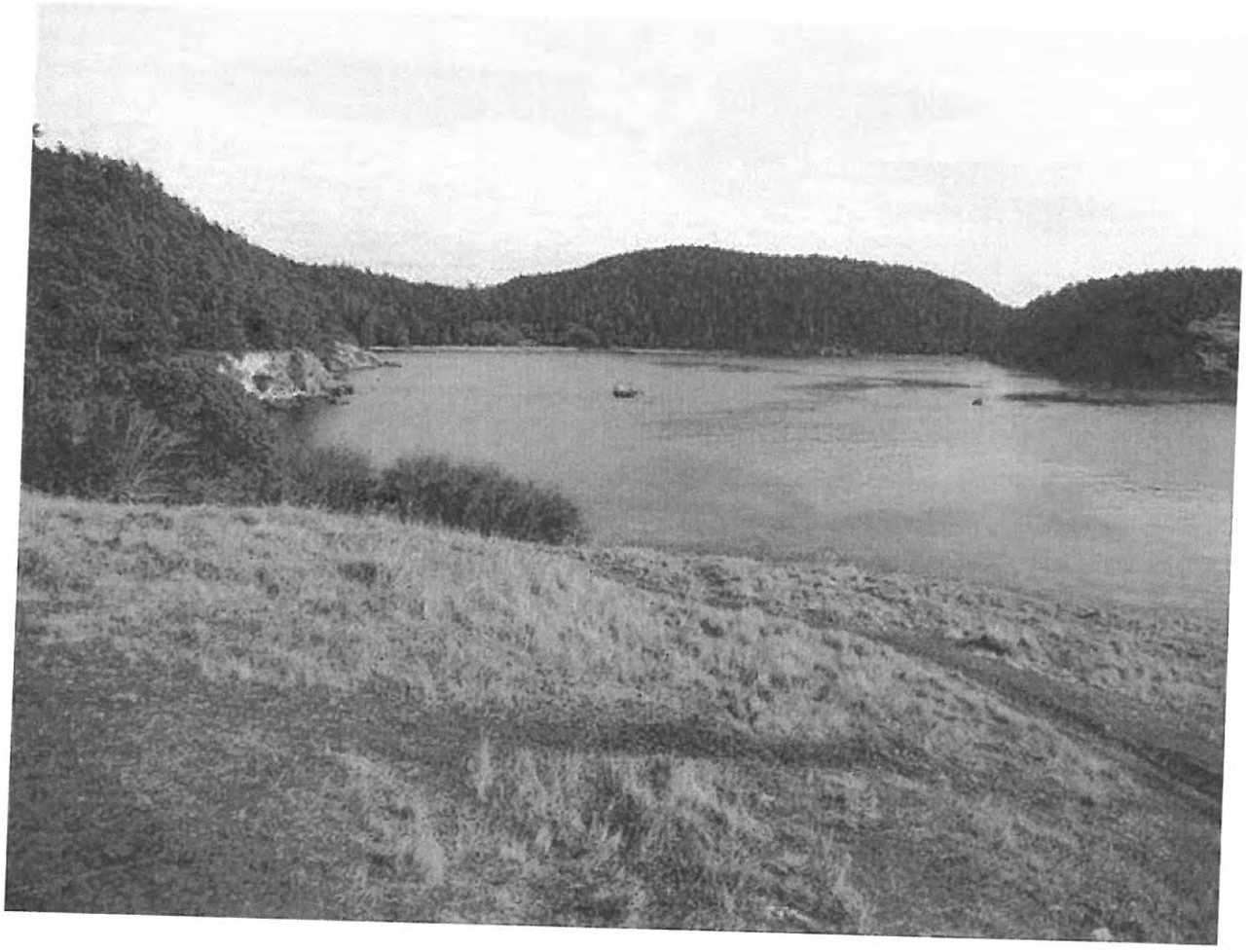
37

Nature & Wildlife Areas



By emilyo825

He was ecstatic to be able to take pictures with Max the wolf.



5. Rosario Beach

80

Beaches



By SharonF-J

Look up tide tables so you can go at low tide if you plan to do the tide pools with kids.



2022

6. Anacortes Ferry

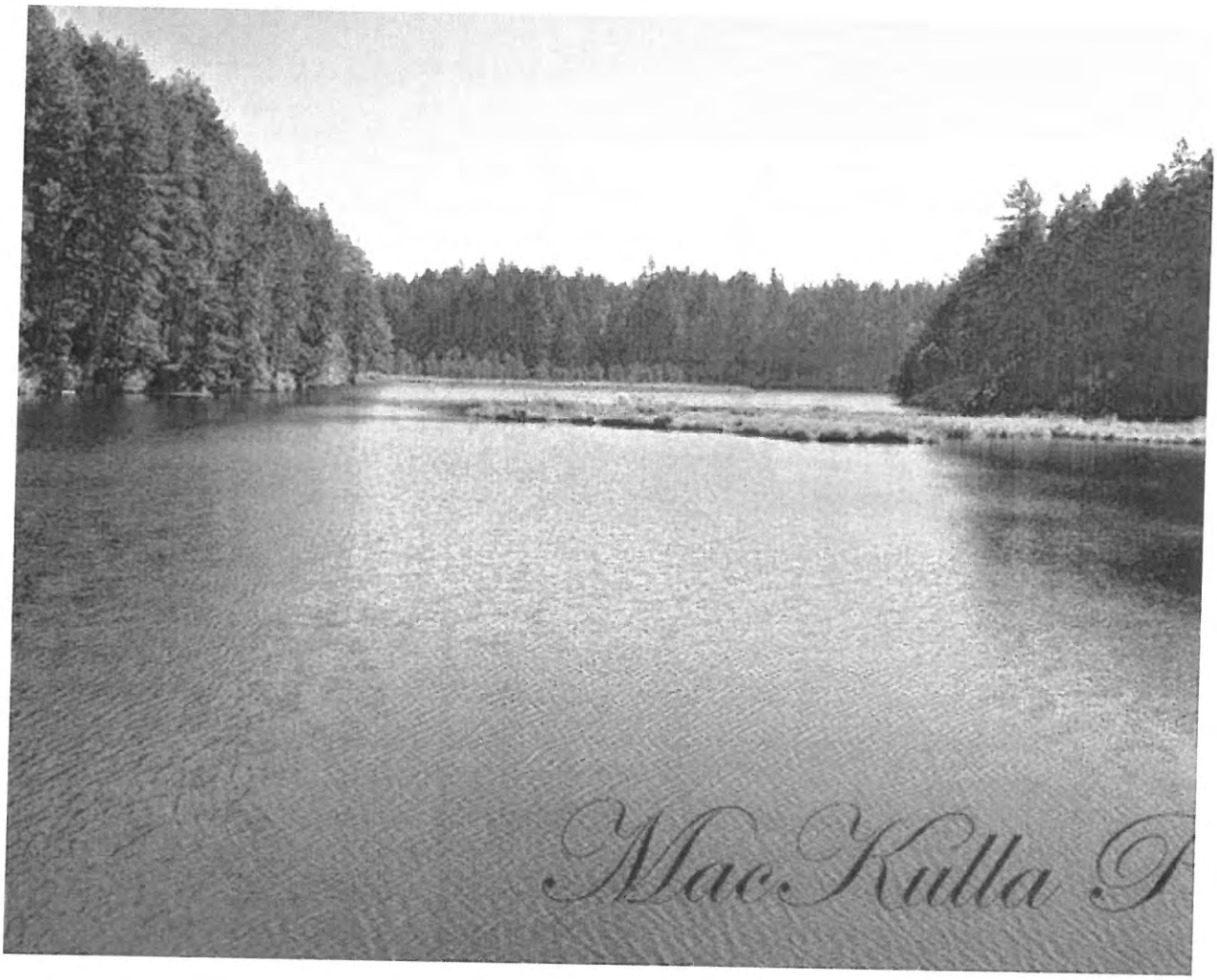
146

Ferries



By rcaldin

My wife and I go to orcas Island every couple years and use the ferry.



7. Cranberry Lake

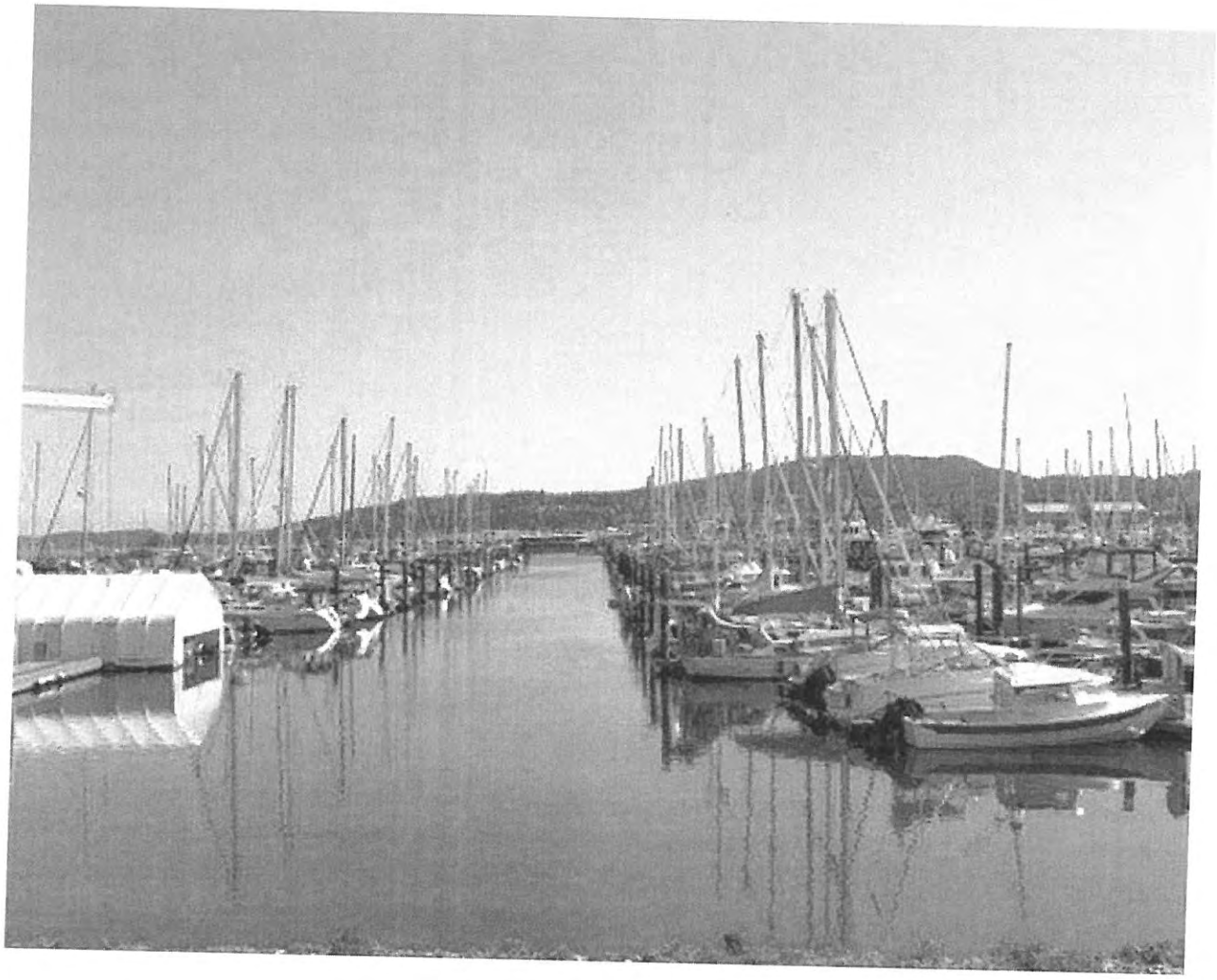
39

Bodies of Water



By natureday-com

Mostly anyone can walk around the lake. Its so beautiful here. If you are in the area- go!



8. Cape Sante Marina

44

Marinas



By V6729EBbethm

Stayed at the marina at the beginning and end of trip. This place is very professional. The staff is helpful, happy and...

- 





9. Guemes Channel Trail

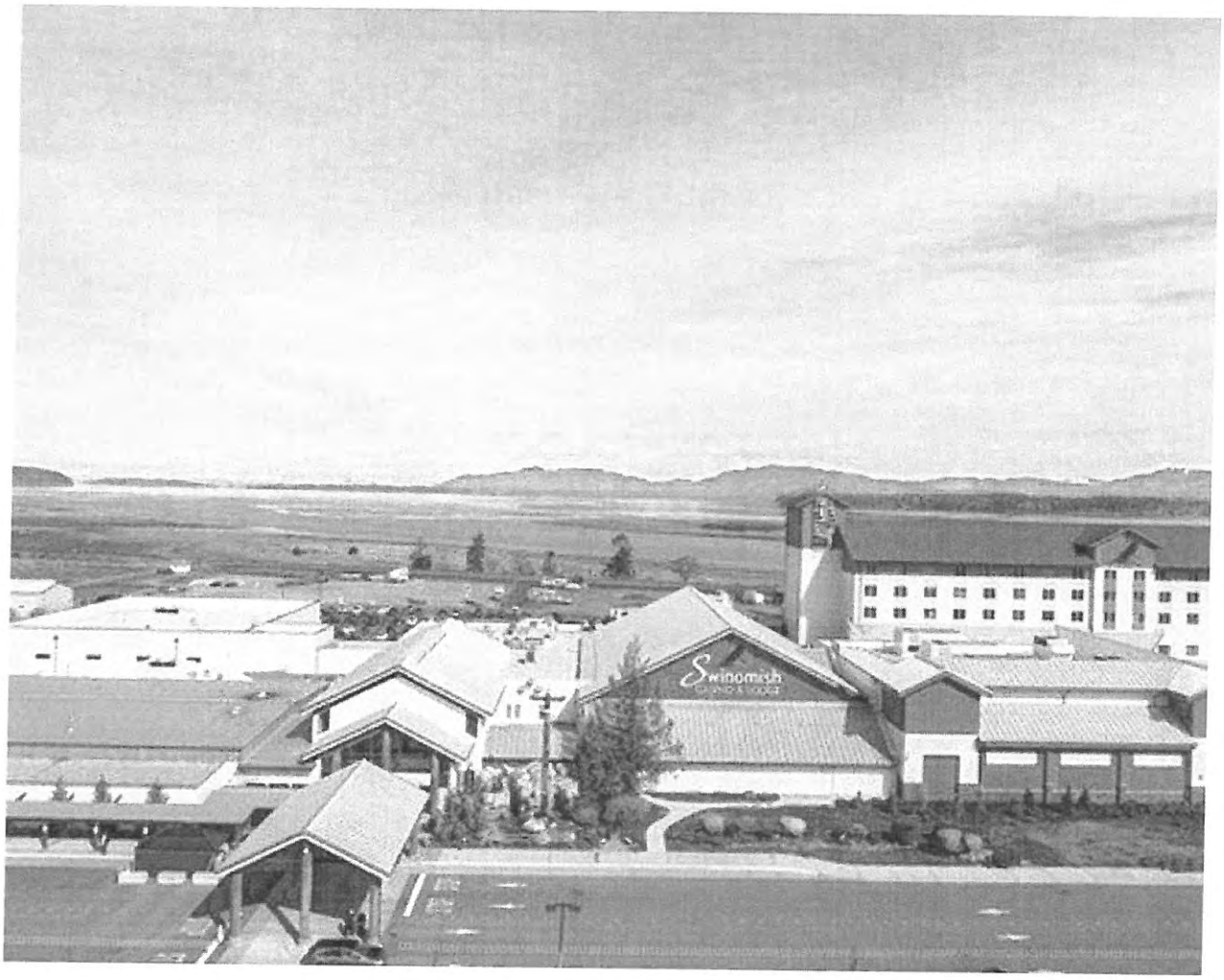
16

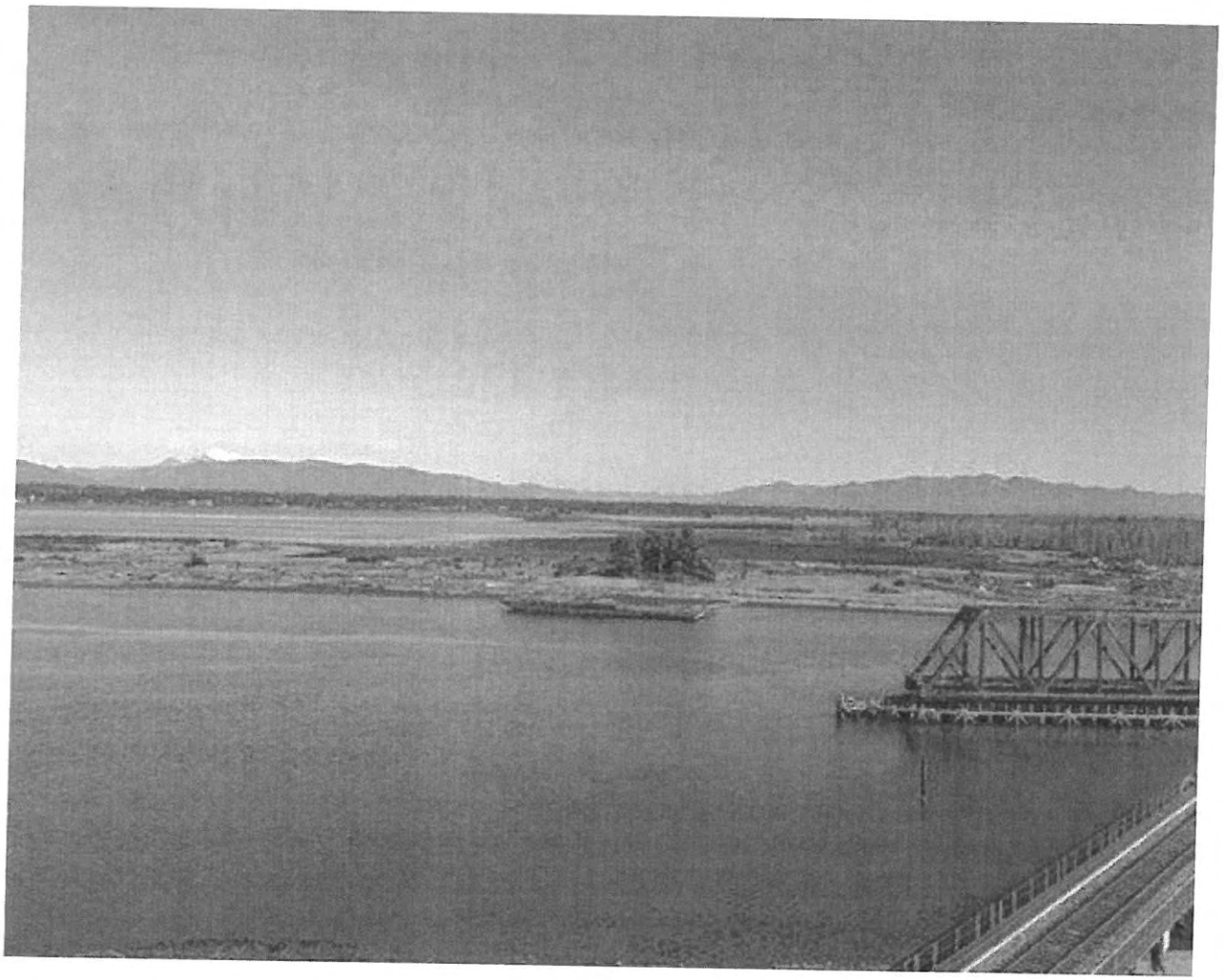
Biking Trails • Hiking Trails

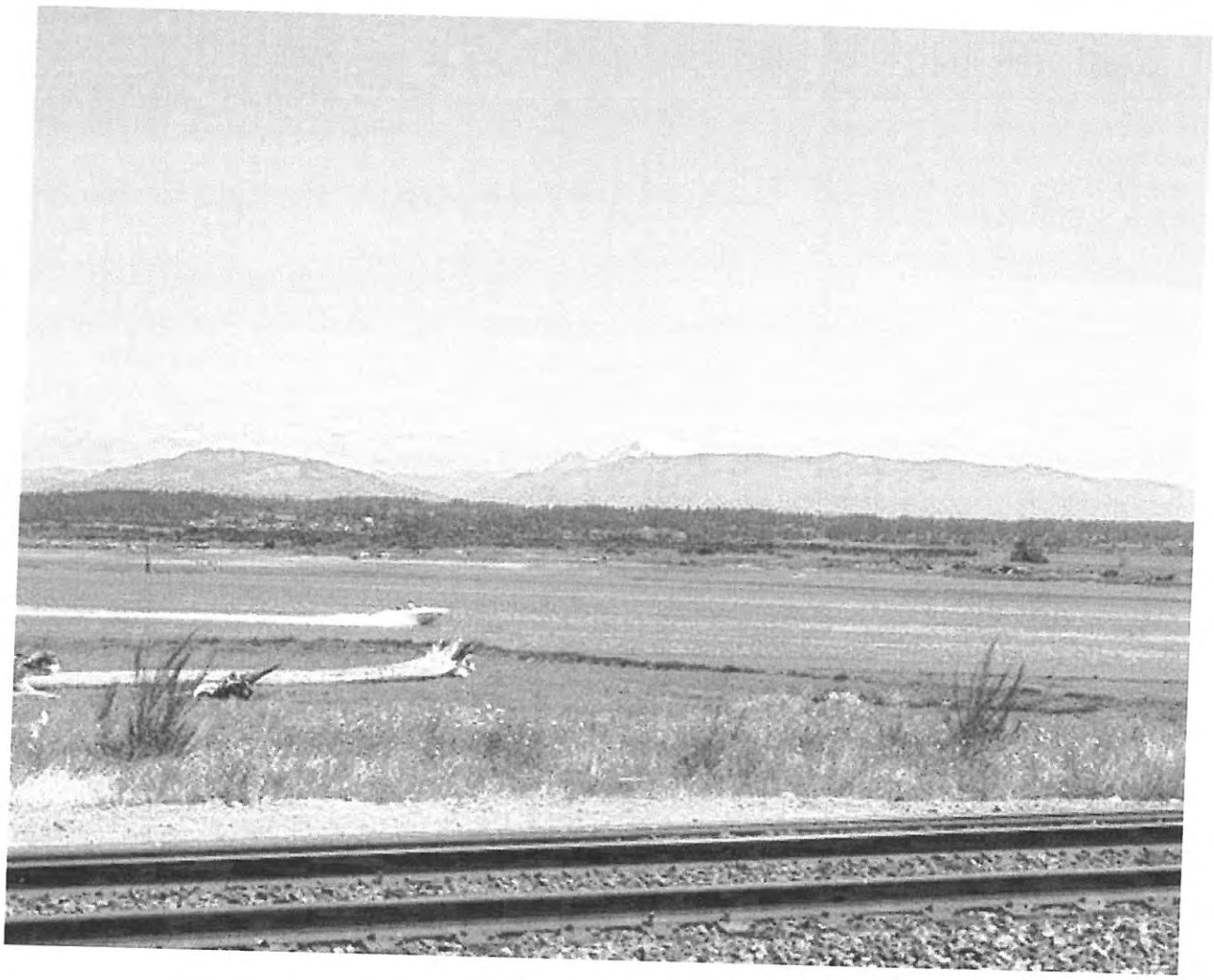


By Glo6053

If you are in line to catch the ferry you have an opportunity to stretch your legs.

- 





10. Swinomish Casino & Lodge

181

Casinos

Open now



By BigAl1943

Great RV Park



11. Seafarers Memorial Park

19

Piers & Boardwalks

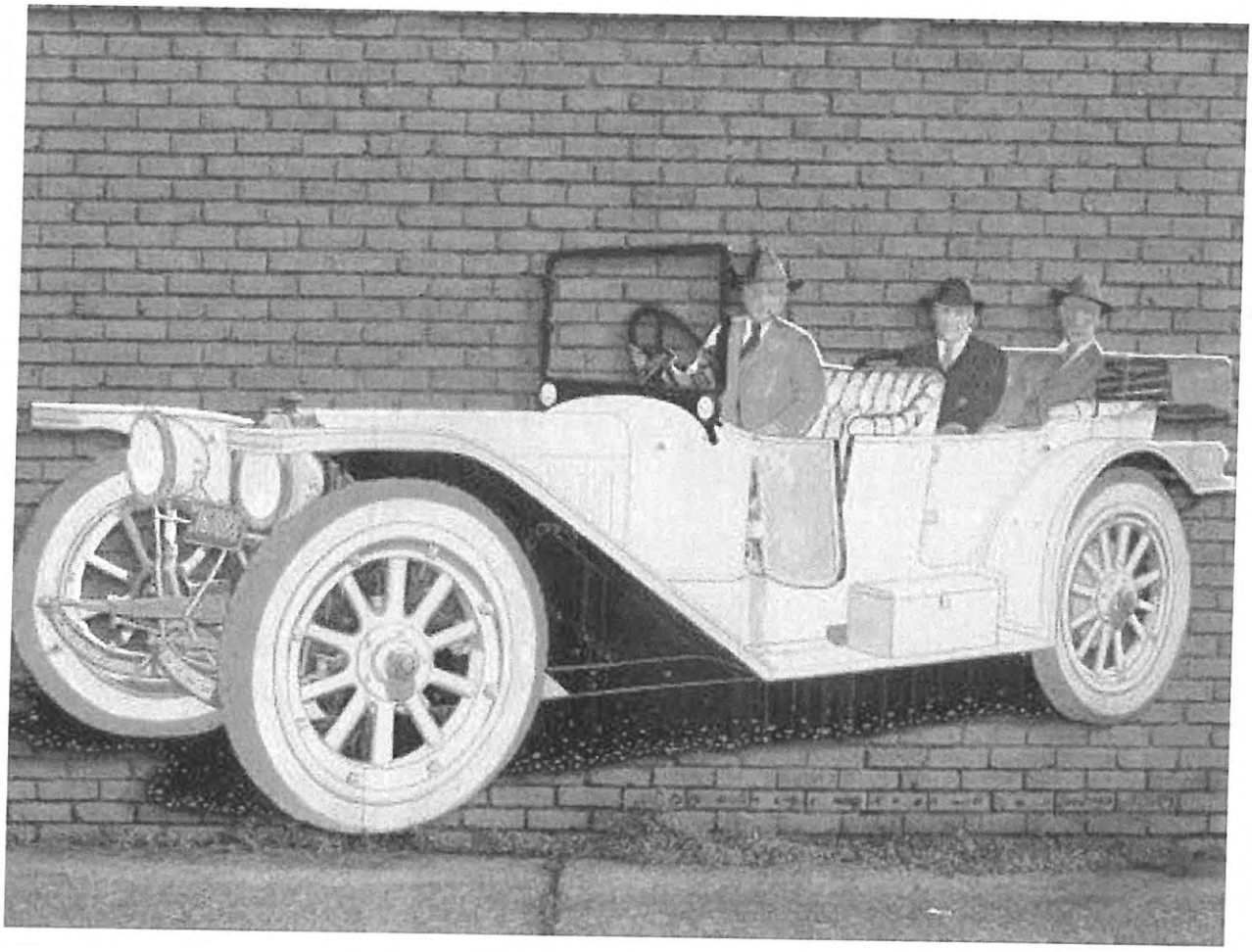


By RobinV14

It is a fun place to watch the boats entering and exiting the harbor.

- 





12. Anacortes Farmer's Market

49

Farmers Markets

THIS ISLAND IS FULL OF FRIENDLY WOLVES AND YOU CAN VISIT IT



Jonas Grinevičius and Mindaugas Balčiauskas

Awoo! That's how wolves say, "Pet me, hooman." (Probably!) Are you itching to find out just how wolves talk to each other? Would you like to take a wolf for walkies in the woods? Do you want to find out just how soft these beautiful animals' fur *really* is? And have you ever wanted to learn how to howl directly from a wolf? Well then, we know the perfect place for you. (Not to mention us.)

The Predators of the Heart Sanctuary lets you have an *awoosome* 2-hour Wolf Encounter Experience. The animal sanctuary's located in Anacortes in the state of Washington near Seattle and right next to Vancouver past the Canadian border. So Americans and Canadians alike have a great opportunity to go running (or cuddling) with the wild animals. Scroll down for **Bored Panda's** interview about wolves with Clive Wynne, Professor of Psychology at Arizona State University and author of Dog is Love: Why and How Your Dog Loves You.

Dear Pandas, have any of you ever gone walking with wolves before? Perhaps you live near the wolf sanctuary? If so, drop us a comment and tell us about your experiences with these adorable animals.

More info: PredatorsOfTheHeart.com | Facebook | Instagram | Twitter

This post may include affiliate links.

You can go on an *awoosome* tour in the woods with wolves at the Predators of the Heart Sanctuary in the state of Washington



Image credits: hi_imeole

The wolves are incredibly friendly. Keep in mind, they only have collars on when they pose for photos



Image credits: lanabana007

You can pet them and scratch their bellies



Image credits: asiasiasia

The animal rescue and preservation sanctuary only keeps animals that "find themselves without a place to live out their lives"



Image credits: rachjoys

According to professor Wynne from Arizona State University, most wolves do not usually act as friendly as those at the sanctuary in Washington. However, " a wild animal can, with skill and patience, be raised to be willing to react in a friendly way towards humans."

"People should always do some due diligence before taking a sanctuary's word for it that their animals are harmless," the professor pointed out.

We also wanted to know how well the global grey wolf population is thriving currently. Wynne pointed out that "wolves do OK in parts of the world where the human population is very sparse: places like Canada, Alaska, and Siberia."

"But in most parts of the globe with a significant human population, wolves are in a difficult situation and will need continuous protection from and by people."

The animal sanctuary lies between Seattle and Vancouver



Image credits: Google Maps

You can't just drop by to play with the wolves at the sanctuary. You have to book a guided tour with the wolves (don't worry, the guide's human... if it's not the full moon) through Airbnb for around 200 US dollars per person. You can check the dates and the prices right here. Usually, there are 2 tours a day, 6 days a week (the wolves get Sundays off!). And there's a waitlist. So your perfect day out with wolves will take some planning to get just right.

Posted in Washington Attractions, Farms & Wildlife August 23, 2022 by Jessica Wick

The One-Of-A-Kind Wildlife Center In Washington That's Like A Mini Zoo

Washington is the perfect state for nature lovers, and that includes getting up-close-and-personal looks at the local wildlife. But luckily, you don't actually have to go out into the unpredictable wild to do so. Washington happens to have an incredibly well-run wildlife sanctuary not many people know about, and it's open to the public (with reservations). Predators of the Heart is a bit like a small zoo, but it's so much better.

Predators of the Heart is located in Anacortes, spanning 10 acres.



Predators of the Heart / Facebook

Founded in 1998, this sanctuary is insured and licensed by the USDA.

This place started out as a wolf sanctuary, and you'll find plenty of them on the property.



MaBerry / TripAdvisor

For whatever reason, the wolves that come here can't be reintroduced to the wild. So they live their lives here, safe and happy.

In addition to wolves, you'll see cougars, bobcats, birds of prey, numerous small mammals, and even reptiles.



Abby / TripAdvisor

The team here is dedicated to helping these animals have the best quality of life.

Another goal of the sanctuary is to educate children and adults about wildlife, using an approach that leads to an appreciation, affection, compassion, and respect for them.



Predators of the Heart / Facebook

You can do this by booking a two-hour Howling with Ambassadors Tour.

During your tour, you'll meet Max and Kakoa and check out their new 1.4-acre enclosure.



Predators of the Heart / Facebook

You'll be able to take all the photos you want, and you're encouraged to touch and pet the sweet wolves.

Predators of the Heart is a fantastic organization that does so much good.



Predators of the Heart / Facebook

You can support them by donating money or simply by booking a tour (or both).

Doesn't this seem like an intriguing experience? You can support Predators of the Heart with a donation, or treat yourself to a Howling with Ambassadors Tour on Airbnb Experiences.

Address: Predators of the Heart / Wolf Encounters, 4709 Welch Ln, Anacortes, WA 98221, USA

Alligator Rescue for Pierce County Animal Control

https://www.kiro7.com/news/south-sound-news/seizure-6-foot-plus-gator-living-tiny-tub-pierce-county-caught-camera/65NRKE36GJETDDKEA752KGOCWI/

https://www.kiro7.com/news/south-sound-news/seizure-6-foot-plus-gator-living-tiny-tub-pierce-county-caught-camera/65NRKE36GJETDDKEA752KGOCWI/

EXHIBIT #11

NOTICE OF PUBLIC HEARING &
REVISED NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

THE SKAGIT COUNTY HEARING EXAMINER WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, July 26, 2023 (and Friday, July 28, 2023 if needed)**, AT **1:00 PM** OR SOON THEREAFTER FOR THE FOLLOWING:

PUBLIC HEARING

Special Use Permit application #PL22-0133 submitted by Predators of the Heart (POTH) to permit an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property. The subject property lies within the Rural Reserve zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps.

In conjunction with the above Special Use Permit application, the following appeal(s) are being consolidated with this Hearing proceeding per SCC 14.06.060.

A. **Appeal #PL-0583**, filed by Predators of the Heart/Ashley Carr, of Skagit County Planning and Development Services Department November 1, 2022 Mitigated Determination of Nonsignificance (MDNS) decision issued after review of the State Environmental Policy Act (SEPA) checklist completed in conjunction with the review of the above Special Use Permit (#PL22-0133) application.

B. **Appeal #PL22-0577**, filed by Edward & Lynne Borlin; David and Pamela Knutsen; Nolan Berlin and Millicent Swietzer; and Kevin and Jenny Welch of Skagit County Planning and Development Services Department November 1, 2022 Mitigated Determination of Nonsignificance (MDNS) decision issued after review of the State Environmental Policy Act (SEPA) checklist completed in conjunction with the review of the above Special Use Permit (#PL22-0133) application.

LOCATION OF PROPOSED DEVELOPMENT:

The subject property is addressed as 4709 Welch Lane, Anacortes, Washington, and is located in a portion of Section 35; Township 35 North; Range 01 East; Willamette Meridian, situated in unincorporated Skagit County, Washington (Parcel #: P128398).

APPLICANT/ CONTACT:

Ashley Carr, 6128 Parkside Drive, Anacortes, Washington 98221

Landowner:

Predators of the Heart, 4709 Welch Lane, Anacortes, Washington 98221

SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
1800 CONTINENTAL PLACE
MOUNT VERNON, WASHINGTON 98273
(360) 416-1320

Hearings are now being held hybrid, meaning in-person and virtual (via Zoom). To participate in the public hearing virtually you can call +1(253)215-8782, US (Tacoma), or +1(719)359-4580 US, **Meeting ID: 812 7077 5954# US (Passcode: 728120)**, or to join via video please visit: https://us06web.zoom.us/j/81270775954?pwd=YzdwSmxLeXp6cDdCbmFXK0ZSVWNRdz09

Log in information is also available on the Hearing Examiner website located at www.skagitcounty.net under the "*Department Directory,*" "Hearing Examiner."

If you would like to speak at the hearing, please contact either Maria Reyna at (360) 416-1150, email mariar@co.skagit.wa.us; Keith Luna at (360) 416-1152, email kluna@co.skagit.wa.us; or Russell Walker at (360) 416-1154, email russow@co.skagit.wa.us to sign up.

Comments must be received by Planning and Development Services **no later than 4:30 PM Tuesday, July 25, 2023, or be presented at the public hearing**. E-mail comments may be submitted with the PDS website under the "*Public Notices and Comment Opportunities"* tab or to the Office of the Hearing Examiner. **Staff contact**: Kevin Cricchio, AICP, ISA, Senior Planner; (360) 416-1423

REVISED NOTICE OF PUBLIC HEARING

THE SKAGIT COUNTY HEARING EXAMINER WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, August 23, 2023 (and Friday, August 25, 2023 if needed)**, AT **9:00 AM** OR SOON THEREAFTER FOR THE FOLLOWING:

PUBLIC HEARING

Special Use Permit application #PL22-0133 submitted by Predators of the Heart (POTH) to permit an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property. The subject property lies within the Rural Reserve zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps.

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APPLICANT/ CONTACT:

Ashley Carr, 6128 Parkside Drive, Anacortes, Washington 98221

Landowner:

Predators of the Heart, 4709 Welch Lane, Anacortes, Washington 98221

SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
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MOUNT VERNON, WASHINGTON 98273
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Hearings are now being held hybrid, meaning in-person and virtual (via Zoom). To participate in the public hearing virtually you can call +1(253)215-8782, US (Tacoma), or +1(719)359-4580 US, **Meeting ID: 812 7077 5954# US (Passcode: 728120)**, or to join via video please visit: https://us06web.zoom.us/j/81270775954?pwd=YzdwSmxLeXp6cDdCbmFXK0ZSVWNRdz09

Log in information is also available on the Hearing Examiner website located at www.skagitcounty.net under the "*Department Directory,*" "Hearing Examiner."

If you would like to speak at the hearing, please contact either Maria Reyna at (360) 416-1150, email mariar@co.skagit.wa.us; or Russell Walker at (360) 416-1154, email russow@co.skagit.wa.us to sign up.

Comments must be received by Planning and Development Services **no later than 4:30 PM Tuesday, August 22, 2023, or be presented at the public hearing**. E-mail comments may be submitted with the PDS website under the "*Public Notices and Comment Opportunities"* tab or to the Office of the Hearing Examiner. **Staff contact**: Kevin Cricchio, AICP, ISA, Senior Planner; (360) 416-1423

EXHIBIT #12

RECORDED SHORT PLAT MAP, AFN 200903270122

The JOHNSON Shortplat

NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.

LEGAL DISCRIPTION

PARCEL A:
The North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, Skagit County Washington:

EXCEPT that portion of the North Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian described as follows:

Beginning at the Southwest corner of the said North Half:
Thence North 0°32'05" East a distance of 174.58 feet along the West line of said North half;
Thence South 44°08'02" East a distance of 141.68 feet;
Thence along a curve to the left, concave to the North, having a radius of 238 feet and an arc length of 190.77 feet;
Thence North 89°38'51" East along the South line of said North Half a distance of 271.57 feet to the true point of beginning.

Situated in Skagit County, Washington.

PARCEL B:

A portion of the Northeast Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the North Quarter corner of said Section 25;
Thence South 89°15'03" West, a distance of 77.88 feet along the North line of said section:
Thence South 0°32'05" West, a distance of 299.95 feet;
Thence South 19°48'46" East, a distance of 157.79 feet;
Thence South 31°06'09" East, a distance of 43.89 feet to the East line of the Northwest Quarter of said Section;
Thence North 0°32'05" East, a distance of 487.01 feet to the true point of beginning.

Situated in Skagit County, Washington

PARCEL C:

An easement for ingress, egress and road and utility purposes over the following described parcels:

1. The South 20 feet and the East 30 feet of the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

2. The North 20 feet and the East 40 Feet of the South Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

Except the East 20 feet thereof;

3. The South 40 feet of the South Half of the Northeast Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

EXCEPT any portion thereof lying within the County Road.

Situated in Skagit County, Washington.

PARCEL D:

An easement for road, travel and utility purposes over the following described parcel:

A 30-foot wide strip in the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, being 15 feet on each side of the following described centerline:

Beginning at a point 15 feet West of the Northeast corner of said North Half;
Thence South parallel to the East line of said North Half to a point 15 feet North of the South line of said North Half;
Thence West parallel to said South line for a distance of 320 feet;
Thence North parallel to the East line of said North Half to a point on the North line of said North Half.

Situated in Skagit County, Washington.

COUNTY APPROVALS

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY SHORT PLAT ORDINANCE SCC 14.18.

ON THIS 26th DAY OF March, 2009

[signature] 3/26/09
Planning and Development Services — Date

[signature] Mar 4, 2009
County Engineer — Date

THE WITHIN AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT COUNTY TITLE 12.05 (ON-SITE SEWAGE) & 12.48 (WATER) ON THIS 5th DAY OF March, 2009

[signature] 5 March 09
County Health Officer — Date

NOTES

1. 'The short plat number and date of approval shall be included in all deeds and contracts.'

2. A LOT OF RECORD CERTIFICATION HAS BEEN ISSUED FOR ALL LOTS INCLUDED IN THIS LAND DIVISION BY VIRTUE OF RECORDING THIS LAND DIVISION AND ISSUANCE OF THE LOT CERTIFICATION, ALL LOTS HEREIN SHALL BE CONSIDERED LOTS OF RECORD FOR CONVEYANCE AND DEVELOPMENT PURPOSES UNLESS OTHERWISE RESTRICTED. SEE A.F. #200903270123.

3. 'No building permit shall be issued for any residential and/or commercial structures which are not at the time application, determined to be within an official designated boundary of Skagit County Fire District.'

4. 'Change in location of access, may necessitate change of address, contact Skagit County Planning & Development Services.'

5. Water will be supplied by the City of Anacortes to both lots.

6. Zoning and Comprehensive Plan - Rural Reserve.

7. Area Calculations:
The total acreage for the entire parcel (20.08 acres)
Lot 1 10.08 acres
Lot 2 10.00 acres

8. All private roads, easements, community utilities and properties shall be owned and maintained by separate corporate entity or the owners of property served by the facility and kept in good repair. The private 30' access and utility easement along the south property line of lot A serving lot B will be the sole maintenance responsibility of lot B. For any common road easements adequate provisions shall be made for appropriate pro-rata contributions for such maintenance by any future land divisions that will also use the same private road.

9. Sewage disposal will be on-site septic systems.

10. All runoff from impervious surfaces and roof drains shall be directed so as not to adversely affect adjacent properties.

11. A Skagit County address range will begin at 4502 and end at 4863 on Welch Lane for Lot B. Lot A will remain 4665 Welch Lane. At the time of application for building and/or access, Skagit County GIS will assign the address in accordance with the provisions of Skagit County Code 15.24.

12. This parcel lies within an area or within 500 feet of area designated as a natural resource lands (agricultural, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, State, and Federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact Skagit County Planning and Development Services for details.

TREASURERS CERTIFICATE

This is to certify that all taxes heretofore levied and which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, up to and including the year of 2009.

This 23rd day of March, ~~2008~~ 2009.

[signature]
Skagit County Treasurer

Treasurer • Skagit County • OFFICIAL SEAL • State of Washington

AUDITORS CERTIFICATE

RECORD OF SURVEY AT THE REQUEST OF CLAIR A. CROSSMAN

200903270122
Skagit County Auditor
3/27/2009 Page 1 of 2 2:04PM

J. Youngquist — Shauna [signature]
AUDITOR — DEPUTY AUDITOR

CONSENT

KNOW ALL PERSONS BY THESE PRESENT THAT THE UNDERSIGNED SUBDIVIDERS HEREBY CERTIFY THAT THIS SHORT PLAT IS MADE AS THEIR FREE AND VOLUNTARY ACT AND DEED.

[signature] — [signature]
RICHARD K. JOHNSON — ~~DIANE~~ DIANA M. JOHNSON

Beneficiary Consent:
WELLS FARGO BANK N.A.
BY: [signature]
Edward A. DeBus, V.P.

ACKNOWLEDGEMENT

STATE OF WASHINGTON
COUNTY OF ~~SKAGIT~~ KING

ON THIS 14th DAY OF February, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED RICHARD K. JOHNSON AND DIANE M. JOHNSON, HUSBAND AND WIFE, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

[signature]
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 1701 N 45th St Seattle WA 98103

chelsea a howard MY COMMISSION EXPIRES 01/11/2012.

CHELSEA A. HOWARD NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JAN. 11, 2012

STATE OF ~~WASHINGTON~~ Maryland
COUNTY OF ~~SKAGIT~~ Frederick

ON THIS 18 DAY OF February, 2009 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ~~WASHINGTON~~ Maryland, DULY COMMISSIONED AND SWORN,

PERSONALLY APPEARED Edward A. DeBus, Vice President
TO ME KNOWN TO BE THE ~~MANAGER~~ OF WELLS FARGO BANK N.A., A CORPORATION, AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE IS AUTHORIZED TO EXECUTE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

[signature]
NOTARY PUBLIC IN AND FOR THE STATE OF ~~WASHINGTON~~ Maryland, RESIDING AT 8480 Stagecoach Circle, Frederick, MD 21701

Maryland MY COMMISSION EXPIRES 08/29/2010.

My Comm. Exp. 08/29/2010

SURVEYOR

Crossman & Associates
16146 McLean Road
Mt. Vernon, WA 98273

CLAIR A. CROSSMAN STATE OF WASHINGTON 9500 REGISTERED PROFESSIONAL LAND SURVEYOR

[signature]
11-25-08

SHORT PLAT NO. PL06-1121

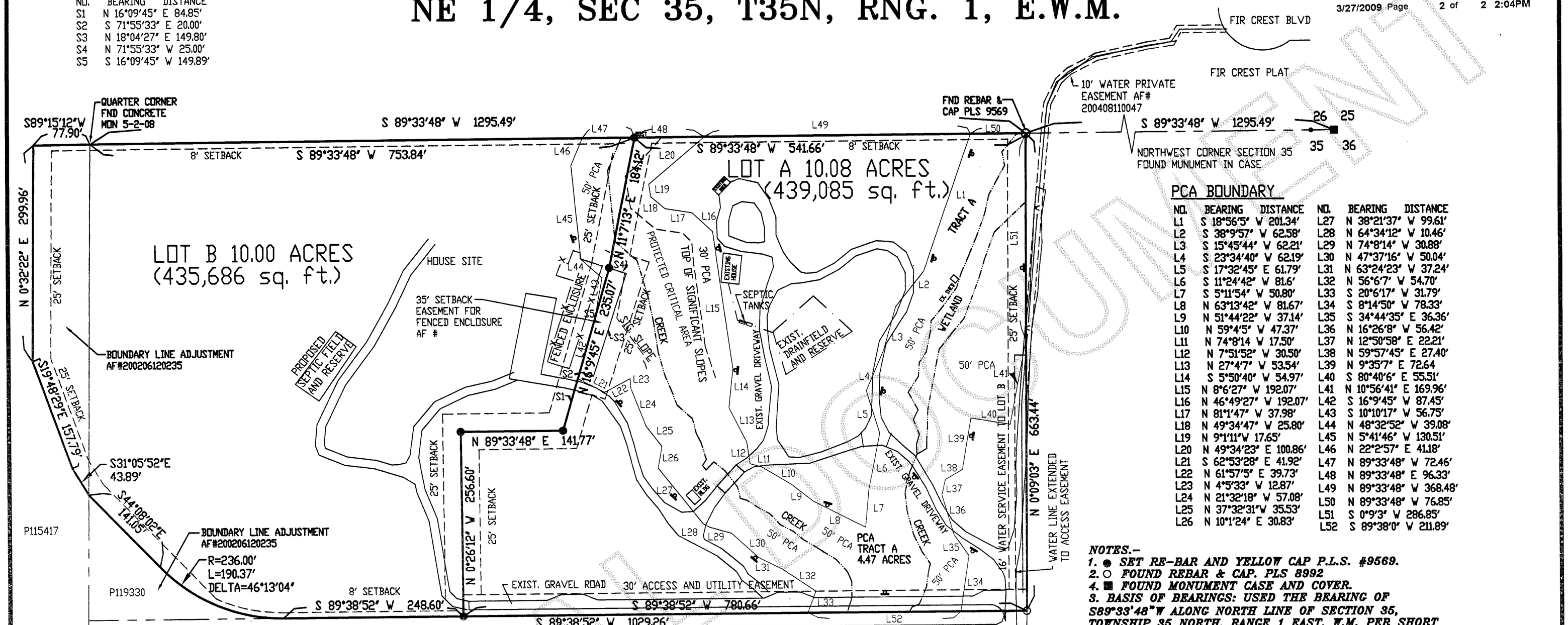
SHEET 1 OF 2

SHORT PLAT FOR: Richard & Diana Johnson, 4665 Welch Lane, Anacortes, WA 98221		DWG.:J520
A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON		DWN BY:DKH
		CHECK BY:CAC
		DATE: May. 2008
HERRIGSTAD ENGINEERING PS 4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804		SCALE: 1"=200'
		JOB NO.: 520

UNOFFICIAL DOCUMENT

200903270122
Skagit County Auditor
3/27/2009 Page 2 of 2 2:04PM

The JOHNSON Shortplat
NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.



PCA BOUNDARY

NO.	BEARING	DISTANCE	NO.	BEARING	DISTANCE
L1	S 18°56'5" W	201.34'	L27	N 38°21'37" W	99.61'
L2	S 38°9'57" W	62.58'	L28	N 64°34'12" W	10.46'
L3	S 15°45'44" W	62.21'	L29	N 74°8'14" W	30.88'
L4	S 23°34'40" W	62.19'	L30	N 47°37'16" W	50.04'
L5	S 17°32'45" E	61.79'	L31	N 63°24'23" W	37.24'
L6	S 11°24'42" W	81.6'	L32	N 56°6'7" W	54.70'
L7	S 5°11'54" W	50.80'	L33	S 20°6'17" W	31.79'
L8	N 63°13'42" W	81.67'	L34	S 8°14'50" W	78.33'
L9	N 51°44'22" W	37.14'	L35	S 34°44'35" E	36.36'
L10	N 59°4'5" W	47.37'	L36	N 16°26'8" W	56.42'
L11	N 74°8'14 W	17.50'	L37	N 12°50'58" E	22.21'
L12	N 7°51'52" W	30.50'	L38	N 59°57'45" E	27.40'
L13	N 27°4'7" W	53.54'	L39	N 9°35'7" E	72.64
L14	S 5°50'40" W	54.97'	L40	S 80°40'6" E	55.51'
L15	N 8°6'27" W	192.07'	L41	N 10°56'41" E	169.96'
L16	N 46°49'27" W	192.07'	L42	S 16°9'45" W	87.45'
L17	N 81°1'47" W	37.98'	L43	S 10°10'17" W	56.75'
L18	N 49°34'47" W	25.80'	L44	N 48°32'52" W	39.08'
L19	N 9°1'11"W	17.65'	L45	N 5°41'46" W	130.51'
L20	N 49°34'23" E	100.86'	L46	N 22°2'57" E	41.18'
L21	S 62°53'28" E	41.92'	L47	N 89°33'48" W	72.46'
L22	N 61°57'5" E	39.73'	L48	N 89°33'48" E	96.33'
L23	N 4°5'33" W	12.87'	L49	N 89°33'48" W	368.48'
L24	N 21°32'18" W	57.08'	L50	N 89°33'48" W	76.85'
L25	N 37°32'31"W	35.53'	L51	S 0°9'3" W	286.85'
L26	N 10°1'24" E	30.83'	L52	S 89°38'0" W	211.89'

LEGEND

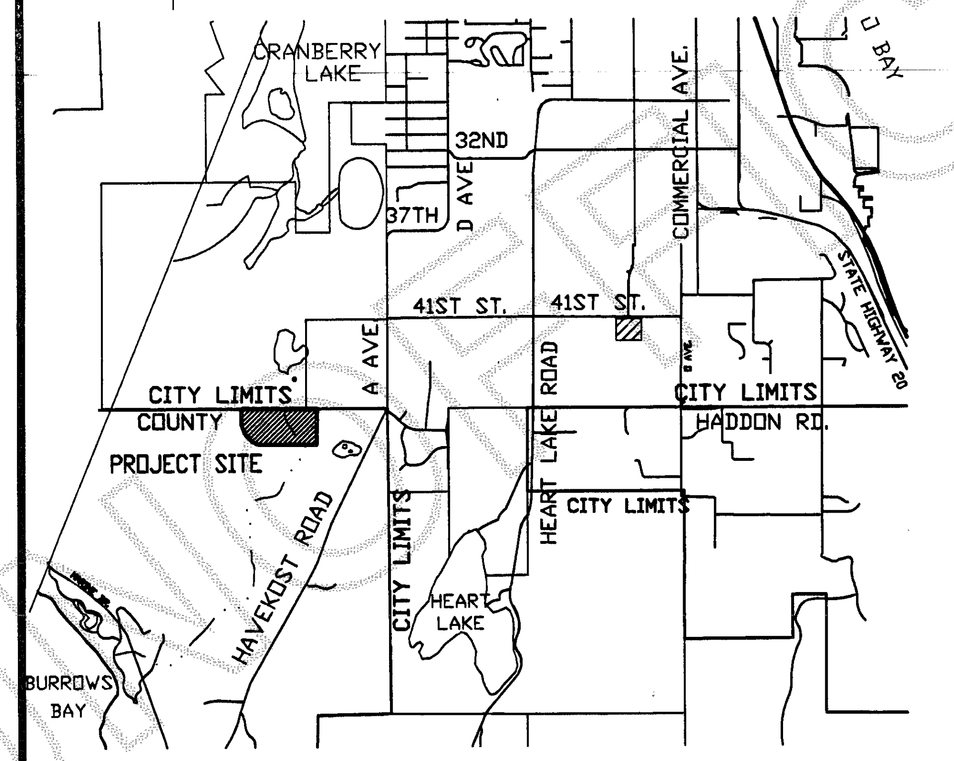
PCA SIGNAGE LOCATIONS

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

PCAE - PROTECTED CRITICAL AREA EASEMENT AF #200903270124



VICINITY MAP
SCALE: 2"=1 MILE
SURVEY IN SECTION 35, T.35N., R1E., W.M.

NOTES.–

1. ● SET RE-BAR AND YELLOW CAP P.L.S. #9569.
2. ○ FOUND REBAR & CAP. PLS 8992
4. ■ FOUND MONUMENT CASE AND COVER.
3. BASIS OF BEARINGS: USED THE BEARING OF S89°33'48"W ALONG NORTH LINE OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M. PER SHORT PLAT NO. 93-081, AF # 9410100067.
4. EQUIPMENT USED: PENTAX R-323N TOTAL STATION.
5. ERROR OF CLOSURE MEETS WASHINGTON STATE SURVEY STANDARDS.
6. SURVEY METHOD: STANDARD FIELD TRAVERSE.
7. ZONING: RURAL RESERVE

GENERAL INFORMATION

1. Assessor's Account No. 350135-1-006-0108, P32553.
2. Description and exception information is from Chicago Title Company, Order No: ICC41101, dated December 11, 2006.
3. This property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record including but not limited to those instruments referred to in Chicago Title Company Report referenced under Note 2 above. Said report lists documents recorded under Auditors File Numbers 860600 , 8202230027, 630694, 200206120236, 200405100214, 200406240055, 200406300061, 200408110046, 200408110047 and 200408180096. Deeds of trust are recorded under Auditors File Number 200408130204, 200504080053 and 200504080054.
4. A Varianee has been granted to this property for a 40' ingress, egress & utility easement on welch lane and for a 30' ingress, egress & utility easement on parcel P32554.

SURVEYORS CERTIFICATE

I hereby certify that the short subdivision is based on an actual survey, which is retraceable and based on a true subdivision of the section, that the distances, courses, and angles are shown thereon correctly, and that monuments have been set and lot corners staked on the ground as shown on the short plat in accordance with the provisions contained in Chapter 332-120 WAC.

CLAIR A. CROSSMAN, P.L.S.
Certificate No. 9569
Date 11-25-08

CLAIR A. CROSSMAN STATE OF WASHINGTON 9569 REGISTERED PROFESSIONAL LAND SURVEYOR

11-25-08

SURVEYOR
Crossman & Associates
16146 McLean Road
Mt. Vernon, WA 98273

SHORT PLAT NO. PL 06-1121 SHEET 2 OF 2

SHORT PLAT FOR: Richard & Diana Johnson
4665 Welch Lane
Anacortes, WA 98221

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SEC. 35, TWN 35N., RNG. 1 EAST, W.M. FOR RICHARD AND DIANA JOHNSON

HERRIGSTAD ENGINEERING PS
4320 WHISTLE LAKE ROAD, ANACORTES, WA 98221 360-299-8804

DWG.:J520
DWN BY: DKH
CHECK BY:CAC
DATE: Oct. 2008
SCALE: Noted
JOB NO.: 520

UNOFFICIAL DOCUMENT

EXHIBIT #13

RECORDED PROTECTED CRITICAL AREA EASEMENT (PCAE), AFN 200903270124

UNOFFICIAL DOCUMENT

200903270124
Skagit County Auditor
3/27/2009 Page 1 of 3 2:04PM

PROTECTED CRITICAL AREA EASEMENT (PCA)

In consideration of Skagit County Code (SCC) 14.24.170, requirements for recording of protected critical area easements (PCA), for areas included under PL06-1121, and mutual benefits herein, Richard K Johnson and Diana M Johnson hereafter referred to as Grantor(s), does hereby grant, convey and warrant to Skagit County, a political subdivision of the State of Washington, a non-exclusive perpetual easement establishing a PCA over, along and across those portions of the project, denoted as Protected Critical Area Easement and described on the attached legal description, together with the right of ingress and egress to and from this easement for the purpose of monitoring and enforcing proper operation and maintenance of the PCA described herein.

The easement is granted to and conditioned upon the following terms, conditions and covenants:

1. The PCA legal description is as follows (or noted if attached):

   Protected Critical Area, as shown on Skagit County Plat No. 06-1121, approved March 24 2009 and recorded March 27 2009 under Skagit County Auditor's File No 200903270122, records of Skagit County, Washington, being in a portion of North ½ of the northwest ¼ of the Northeast ¼ of Section 35, Township 35 N, Range 1 E, W.M. Parcel # P 32553.

   Please see complete attached legal description.

2. Grantor(s) shall hereafter be responsible for maintaining and repairing PCA areas as described herein and is hereby required to leave PCA areas undisturbed in a natural state. With the exception of activities identified as Allowed without Standard review under SCC 14.24.100, any land-use activity that can impair the functions and values of critical areas or their buffers through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to, existing vegetation shall require critical areas review and written authorization pursuant to SCC 14.24." (SCC 14.24.060) No clearing, grading, filling, logging or removal of woody material, building, construction or road construction of any kind, planting of non-native vegetation or grazing of livestock is allowed within the PCA areas except as specifically permitted by Skagit County on a case-by-case basis consistent with SCC 14.24.

3. Grantor(s) and Skagit County agree to the following special conditions requested by the Grantor(s) or required as part of mitigation pursuant to SCC 14.24

Not applicable

4. Grantor(s) retains the right to use and possession of the real property over which the easement is granted to the extent permitted by Skagit County as low impact uses and activities which are consistent with the purpose and function of the PCA and do not detract from its integrity may be permitted with the PCA depending on the sensitivity of the habitat involved. Examples of uses and activities which may be permitted in appropriate cases, with prior County written approval separate from this agreement, include pedestrian trails, viewing platforms, stormwater management facilities and utility easements. Provided further that the grantor agrees not to interfere with, obstruct or endanger Skagit County's use of the easement.

5. Should any human disturbance of the PCA occur, the fee owners shall have the obligation to restore and return the affected area to its natural state immediately, under the provisions of a County approved mitigation plan.

6. The parties recognize that this easement is created, granted and accepted for the benefit of the inherent natural functions provided by the PCA, but shall not be construed to provide open or common space for owners within the project or members of the public. By acceptance of the easement for the purposes described, Skagit County does not accept or assume any liability of acts or omissions of the fee owners, his or her invitees, licenses or other third parties within the easement area. Grantor(s) hold Skagit County harmless from any damage or injury to any property or person by any person entering the easement area not expressly authorized to do so by Skagit County.

7. Grantor(s) agrees that this easement shall run with the land and that the rights and obligations of Grantor(s) and Skagit County shall inure to the benefit of each and shall be binding upon their respective heirs, successors and assigns.

8. Grantor(s) covenants that they own the property legally described herein and has lawful right to convey the interest in the property to Skagit County for the benefit of the public forever.

DATED this 12 day of May, 2008.

By: _____

200903270124
Skagit County Auditor
3/27/2009 Page 2 of 3 2:04PM

Easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAR 27 2009

Amount Paid $ -0-
Skagit Co. Treasurer
By _____ Deputy

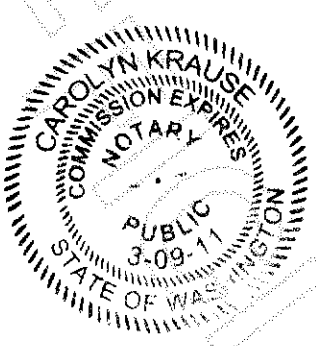
STATE OF WASHINGTON)
)

UNOFFICIAL DOCUMENT

COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence Richard + Diane Johnson signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledge it as the _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 12 day of May, 2008.



Carolyn Krause
NOTARY PUBLIC in and for the State of Washington residing at: Anacortes
Print Name: Carolyn Krause
My appointment expires: 3-9-11

UNOFFICIAL DOCUMENT