



# **Board of County Commissioners**

*November 28, 2023, @ 9:45 AM*

By: Kevin Cricchio, AICP, ISA, Senior Planner

Planning & Development Services Department

# **PL22-0133:**

## **SUBJECT PROPOSAL:**

On March 23, 2022, Skagit County Planning & Development Services received an application for a Special Use Permit (PL22-0133) 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.

# **PL22-0133:**

## **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

## **SUBJECT PARCEL:**

Parcel #: P128398

**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
<b>P128398</b>	350135-1-006-0500	NE	35	35	01

Owner Information	Site Address(es) .	Map Links
PREDATORS OF THE HEART 6128 PARKSIDE DRIVE ANACORTES, WA 98221	4709 WELCH LANE Skagit County, WA ( <i>Jurisdiction, State</i> ) <a href="#">Zip Code Lookup</a>   <a href="#">Site Address Information</a>	<a href="#">Open in iMap</a> Assessor's Parcel Map: <a href="#">PDF</a>   <a href="#">DWF</a>   <a href="#">DWG</a>

**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	<b>Taxable Selling Price</b>	\$420,000.00	Special Assessments/Fees	+\$118.00
Assessed Value	\$284,300.00	Sale requires NRL disclosure ( <a href="#">more info</a> )		<b>Total Taxes</b>	\$2,776.91
<b>Taxable Value</b>	\$284,300.00			<a href="#">Pay Property Taxes Online</a>	

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

[Legal Description at time of Assessment](#)

<b>*Assessment Use Code</b>	(910) UNIMPROVED LAND (Outside city)	<a href="#">WAC 458-53-030</a>	
<b>Neighborhood</b>	(20FIDALGO) FIDALGO RESIDENTIAL		
<b>Levy Code</b>	1485	<b>Fire District</b>	F11
<b>School District</b>	SD103	<b>Exemptions</b>	
<b>Utilities</b>		<b>Acres</b>	10.00

**Improvement 1 Attributes Summary**

<b>Building Style</b>	MISC OUTBUILDINGS		
<b>Year Built</b>	2017	<b>Foundation</b>	



Rockrose Pkwy

Bryce Dr

Marine Heights Way

Anacortes Community Forest Lands

A Ave

H Ave

41st St

San Juan Blvd

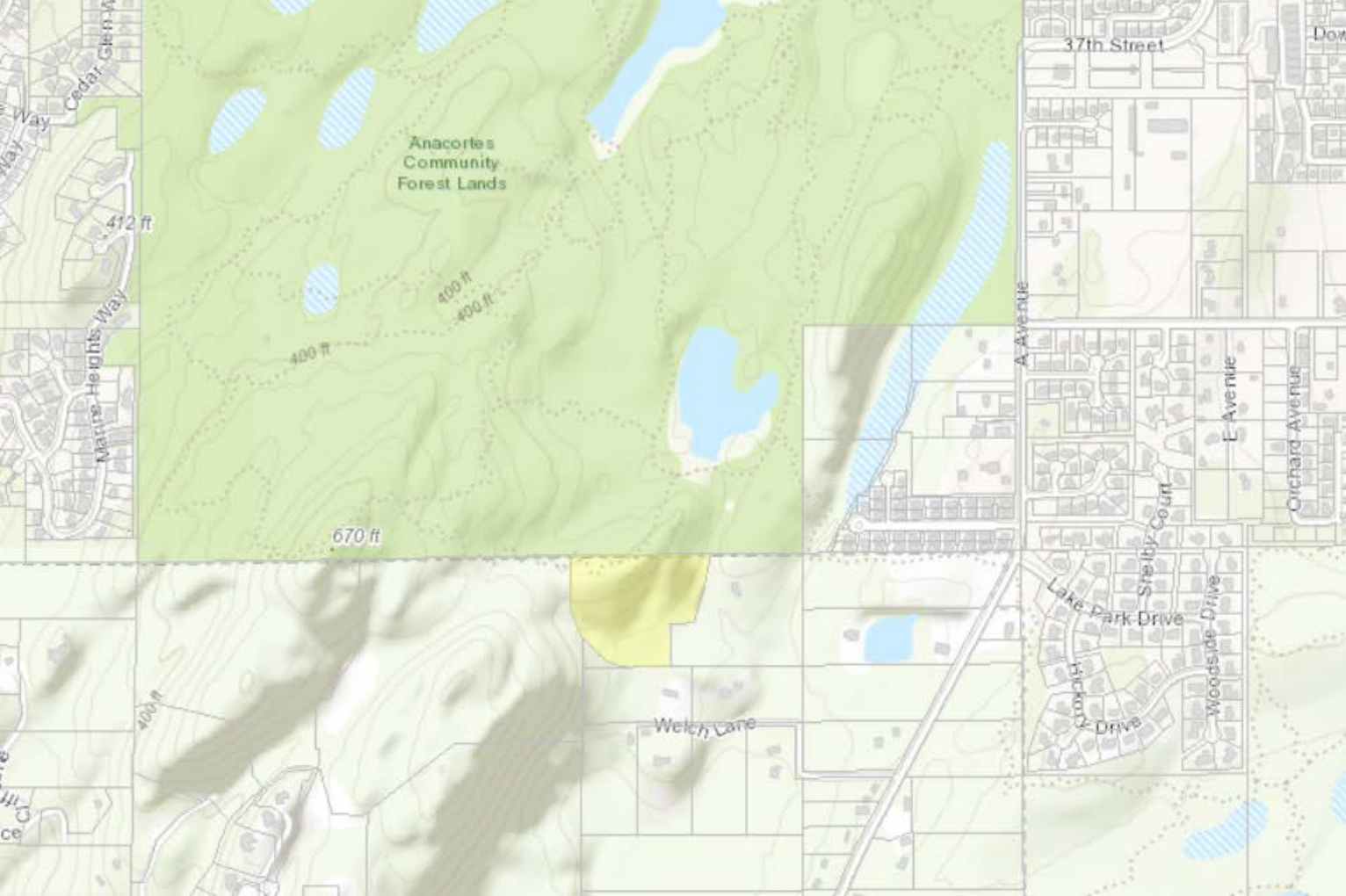
400 ft

Havekost Rd

Marine

200 ft

Heart Lake





ANACORTES

Welch Lane

Hazelcrest Road

Fir Crest Court

Fir Crest Boulevard

Lupine Lane

Avennie

Westwood Drive

Lake Park Drive

Hickory Drive

Shelby Court

Woodside Drive

41st Street

42nd Place

D Court

E Avenue

# PL22-0133:

## **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



# PL22-0133:

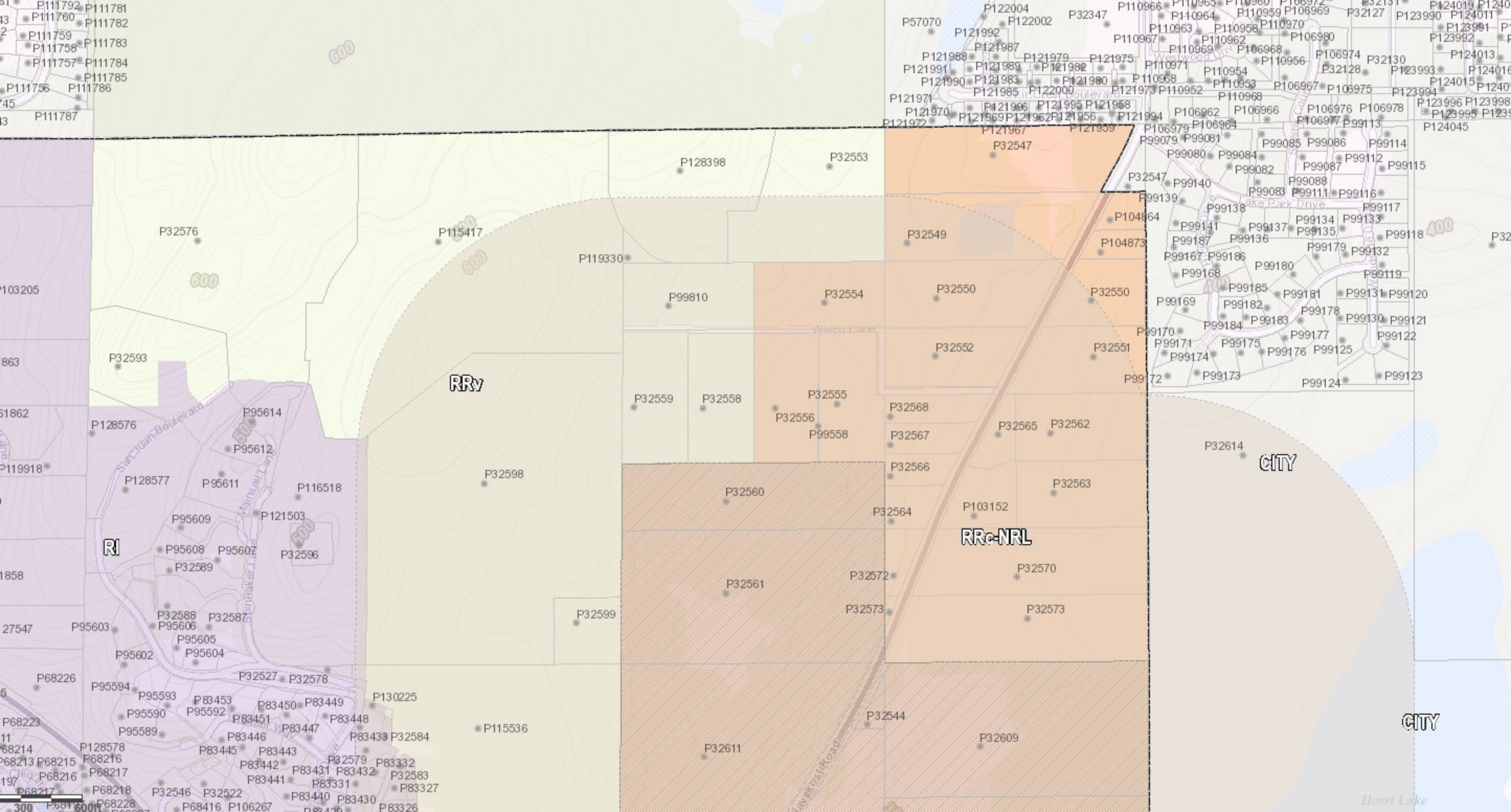
## **ZONING DISTRICT:**

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.

# PL22-0133:

- Surrounding Zoning & Land Uses:

<b>DIRECTION:</b>	<b>ZONING:</b>	<b>PRESENT LAND-USE:</b>
<b>North:</b>	City of Anacortes jurisdiction	Anacortes Community Forest Lands Park
<b>South:</b>	Rural Reserve & Rural Resource Natural Resource Lands Zoning Districts	Single-Family Residences
<b>East:</b>	Rural Reserve & Rural Resource Natural Resource Lands Zoning Districts	Single-Family Residences
<b>West:</b>	Rural Reserve Zoning Districts	Single-Family Residences



# **PL22-0133:**

## **PROJECT CHRONOLOGY:**

1. 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.
2. 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.
3. On March 23, 2022, Skagit County Planning & Development Services Department received an application for a Special Use Permit.
4. The subject application was deemed complete on April 15, 2022.

# **PL22-0133:**

## **PROJECT CHRONOLOGY -CONTINUED:**

5. A Notice of Development Application With Optional SEPA DNS 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.
6. Public Comments: We received a number of public comments 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.

## **PL22-0133:**

### **PROJECT CHRONOLOGY -CONTINUED:**

7. 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. 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.
8. Appeals associated with the issued SEPA MDNS ended on December 2, 2022. Two (2) appeals were received.

# **PL22-0133:**

## **PROJECT CHRONOLOGY -CONTINUED:**

9. Notice of Public Hearing: A Notice of Public Hearing 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 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.

# **PL22-0133:**

## **OPEN RECORD PUBLIC HEARING:**

The Hearing Examiner conducted an open record public hearing on Wednesday, August 23, 2023, which was continued to Friday August 25, 2023. The Hearing Examiner continued to hearing to September 4, 2023.

## **HEARING EXAMINER'S DECISION:**

The Hearing Examiner's decision was received by Skagit County PDS on October 2, 2023. The decision was forwarded to parties of record and posted on the county's website.

## **NOTICE OF DECISION:**

A Notice of Decision (NOD) was issued, forwarded to parties of record, and posted online. On October 6, 2023, the NOD was also published, in the Skagit Valley Herald. The appeal period ended on October 16, 2023. One (1) appeal was received.



# **PL22-0133 & PL23-0478:**

## **APPEAL RECEIVED - PL23-0478**

### **APPELLANT:**

Predators of the Heart c/o Ashley Carr  
4709 Welch Lane  
Anacortes, Washington 98221

### **APPELLANT'S ATTORNEY:**

Haylee J. Hurst  
Wolf Lee Hurst & Slattery, PLLP  
230 East Champion Street  
Bellingham, Washington 98225

## **PL22-0133 & PL23-0478:**

Predators of the Heart seeks a special use permit to operate an animal preserve. However, the stars of the operation are potentially dangerous animals—cougars and wolf-hybrids. And this is fatal to POTH’s application because the possession of these animals is prohibited per Chapter 7.04 of SCC. There are exceptions. A potentially dangerous animal can be possessed by nonprofit “at the written request of the animal control authority”, RCW 16.30.020(1)(c), or by a wildlife sanctuary, RCW 16.30.020(1)(g), or by a “person displaying animals at a fair”. RCW 16.30.020(1)(l).

But POTH cannot meet the requirements of the exceptions. POTH’s arguments attempting to fit them into an exception requires an unreasonably broad interpretation. The Examiner correctly read these exceptions narrowly, thereby avoiding the exceptions swallowing the rule, and thereby concluding correctly that the cougars and wolves were not lawfully possessed by POTH.

## **PL22-0133 & PL23-0478:**

1. The Hearing Examiner correctly interpreted the Animal Control Exemption of RCW 16.30.020(1) as limited to animals received at the written request of animal control.
2. The Hearing Examiner correctly concluded that POTH did not lawfully possess animals under the Wildlife Sanctuary Exemption RCW 16.30.020(1)(g) to disqualify any organization with both "sanctuary" and "non-sanctuary" programs, in violation of its plain language.
3. The Decision correctly concluded that the wolf-hybrids were not exempted from Chapter 7.04 of Skagit County Code as domesticated animals.
4. The Decision correctly concluded that the state fair exemption did not apply.
5. Lastly, as is stated in PDS' staff report to the Hearing Examiner, POTH does not appear to meet most of the Criteria of Approval for Special Use Permits.

# PL22-0133 & PL23-0478:

## **STAFF RECOMMENDATION:**

Based on review of the Record, Skagit County Planning and Development Services Department recommends that the Board of County Commissioners deny this appeal (PL23-0478). The decision was not clearly erroneous and should be affirmed