



PERKINS COIE LLP

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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

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**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.**

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November 17, 2022

David A. Perez  
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VIA HAND DELIVERY

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

RECEIVED  
NOV 18 2022  
SKAGIT COUNTY  
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**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.<sup>1</sup>



**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)(I); 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.

\* \* \*

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<sup>1</sup> 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.<sup>2</sup>

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

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<sup>2</sup> *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](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 commercial 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.

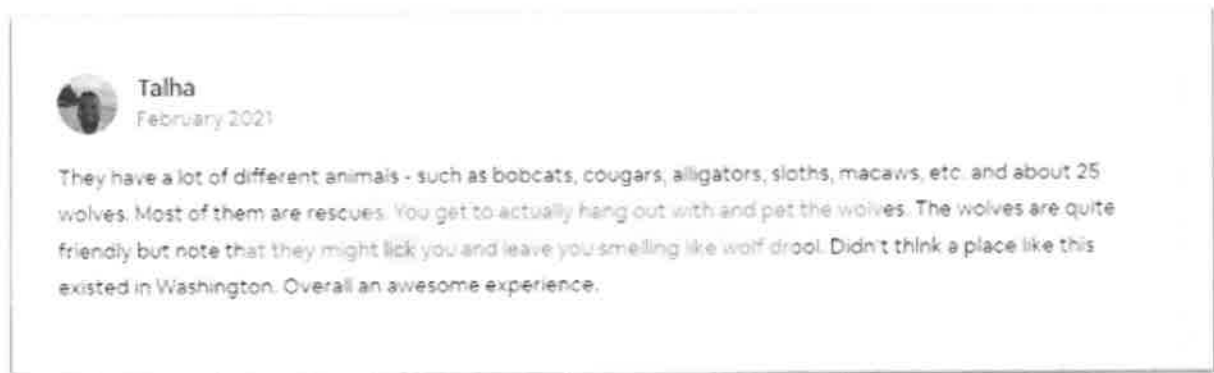
**(c)** Numerous public comments from Predators' neighbors described excessive noise, and Predators did not rebut that consistent complaint. The County itself noted in its 2015 lawsuit against Predators that “[t]he noises from the wolves, cougars, and scavenging birds are neighborhood irritants.” *See* 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.



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.

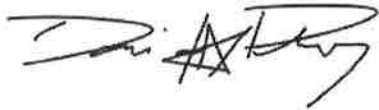
In short, Predators’ operation is not safe, and the County should make that clear. Without addressing the safety of Predators’ fundamental business model and prohibiting specific activities—*e.g.*, direct contact between visitors and exotic animals, and breeding and selling exotic animals—the County 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.

Kevin Cricchio  
November 17, 2022  
Page 10

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Perez". The signature is stylized with a large, sweeping initial "D" and "A".

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



# Predators of the Heart

*"Dedicated to wildlife education, conservation, rescue"*

4709 Welch Lane, Anacortes, WA 98221

Email: [admin@predatorsoftheheart.com](mailto: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.



# Predators of the Heart

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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...”



**WOLF ENCOUNTERERS** ANACORTES, WA

# Predators of the Heart

*“Dedicated to wildlife education, conservation, rescue”*

4709 Welch Lane, Anacortes, WA 98221

Email: [admin@predatorsoftheheart.com](mailto:admin@predatorsoftheheart.com) Phone: (360)770-7479

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.

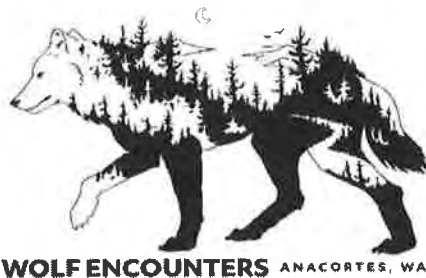
As such, as a nonprofit organization whose *specific purpose* is to house and care for “potentially dangerous animals” doing so at the behest of government organizations, POTH is considered a wildlife sanctuary and is exempt from RCW 16.30 under RCW 16.30.010(5).

## ***RCW 16.30.020(1)—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(1). 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



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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 **further 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.





# Predators of the Heart

*"Dedicated to wildlife education, conservation, rescue"*

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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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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



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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



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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.

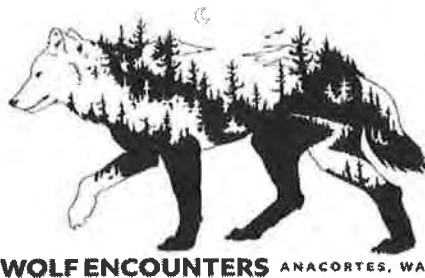
“Predators houses and breeds dozens of dangerous, wild animals”

- 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 peacefully 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)(I) 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.

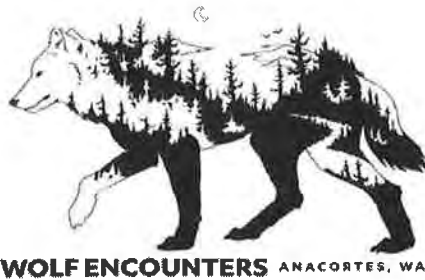
- Mr. Welch's attorney, lacking authority, uses subterfuge and unrelated case law to attempt to misdirect Skagit County into believing that POTH's operations are somehow illegal—which they clearly are not.

"[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 2001 yet 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".





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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.

A handwritten signature in black ink, appearing to read "Ashley Carr". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Ashley Carr  
President / Executive Director  
Predators of the Heart  
360-770-7479

# **EXHIBIT B**

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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.

1 Except as expressly admitted in these responses, no facts should be taken as admitted,  
2 implied, or inferred from these responses. Further, no inference as to the existence of any  
3 responsive information or documents should be made from the assertion of any objection to  
4 any interrogatory contained herein.

5 POTH objects to Plaintiffs' interrogatories and requests for production to the extent  
6 they seek information and/or documents protected from disclosure as confidential,  
7 proprietary, trade secret, research, development, commercial, personal, or other protected  
8 information. As such, nothing contained in these responses is intended to, nor shall be  
9 deemed, a waiver of any available privilege or immunity. To the extent that any of Plaintiffs'  
10 interrogatories or requests for production call for such information, POTH objects to the same  
11 and assert privilege and/or the need for Court protection. If any privileged or protected  
12 document or information is disclosed, except pursuant to a specific agreement concerning the  
13 same, then the disclosure shall be deemed inadvertent and shall not be evidence of an  
14 intention to waive any applicable privilege or protection.

15 POTH objects to Plaintiffs' interrogatories and requests for production insofar as they  
16 neither call for information and documents which are relevant to the subject matter of the  
17 action, nor are they reasonably calculated to lead to the discovery of admissible evidence.

18 POTH objects to Plaintiffs' interrogatories and requests for production as unduly  
19 burdensome or expansive, taking into account the needs of the case, the amount in  
20 controversy, limitations on the parties' resources and the importance of the issues at stake in  
21 the litigation, pursuant to CR 26(b)(1).

22 POTH objects to Plaintiffs' interrogatories and requests for production to the extent  
23 that they seek information from each Defendant simultaneously through a single request.

24 POTH is aware that most Defendants lack any knowledge of the substance related to  
25 Plaintiffs' demands, which underscores their improper purpose.

1 POTH objects to Plaintiffs' definitions and instructions to the extent that the same  
2 impose burdens which are not authorized by the Civil Rules or seek to invade attorney-client  
3 privilege or violate any other applicable privilege. Further, all statutory and common law  
4 privileges are hereby preserved with respect to POTH knowledge, information, and  
5 documentation in their possession.

6 POTH has not completed an investigation of facts, witnesses, or documents related to  
7 this action; have not completed analyses of available data; have not yet completed discovery  
8 in this action; and have not completed preparation for trial. Thus, although a good faith effort  
9 has been made to supply pertinent information when it has been requested, it is not possible in  
10 many instances for unqualified responses to be made. Further, the responses are necessarily  
11 made without prejudice to POTH right to produce any subsequently discovered facts,  
12 witnesses, or documents, as well as any new theories or contentions that any of them may  
13 adopt. These responses are also given without prejudice to POTH right to provide facts,  
14 witnesses, or documents omitted from these responses by oversight, inadvertent or good faith  
15 error or mistake. POTH may furnish information that includes hearsay and other forms of  
16 evidence that are neither reliable nor admissible. The foregoing objections, qualifications, and  
17 limitations are incorporated by reference into each one of the following responses to the  
18 particular interrogatories and requests for productions set forth below.

1 **POTH'S RESPONSES**

2 **INTERROGATORY NO. 1:** Identify any person with whom you have communicated  
3 regarding this lawsuit, the subject matter of this lawsuit, or the allegations of the Complaint  
4 (not including your attorneys of record in this lawsuit). For each person, identify the nature,  
5 contents, and date of each such communication.  
6

7 **ANSWER:**

8 Objection. The request is overly broad, unduly burdensome, compound, and not  
9 reasonably calculated to lead to the discovery of relevant evidence.

10 Without waiving such objections, POTH has discussed this lawsuit amongst its board  
11 members, Ashley Carr, Daniel Overman, and April Grossrock. POTH has also discussed this  
12 lawsuit with its employees. Furthermore, POTH posted a story on various social media sites  
13 regarding the lawsuit.

14 **INTERROGATORY NO. 2:** Identify each person whom you expect to call as an  
15 expert witness; state the subject matter on which the expert will testify; state the substance of  
16 the facts and opinions to which the expert will testify; and state the grounds for each opinion.

17 **ANSWER:**

18 POTH has yet to identify an expert witness. POTH may supplement this answer as the  
19 litigation progresses.  
20

21 **INTERROGATORY NO. 3:** For the time period September 1, 2012, through the  
22 present, identify all current and past members of your Board of Directors, including each  
23 member's name, title, years involved in the role, and current contact information.

24 **ANSWER:**

25 Ashley Carr

26 April Grossrock

- 1 Daniel Overman
- 2 William Coleburn
- 3 Jeanne Hall
- 4 Jack Coleburn
- 5 David Wertz
- 6 Tony Cloud
- 7 Denise Coleburn
- 8 Justin Krueger

9  
10 **INTERROGATORY NO. 4:** For the time period September 1, 2012, through the  
11 present, identify all your employees, including full- and part-time employees. For each  
12 employee, provide the individual's name, job title or a brief description of their responsibilities,  
13 relevant degrees and certifications, years employed, and current contact information.

14 **ANSWER:**

15 Objection. The request is overly broad, unduly burdensome, beyond the scope of  
16 Plaintiffs' litigation, compound, and not reasonably necessary to lead to the discovery of  
17 relevant evidence.

18 Ashley Carr: Executive Director/ Manager. Manages day to day operations, USDA  
19 Certified. Has been with POTH for 24 years employed in 2008 volunteered from 1998-2008.

20 Holly Soyke: Animal Caretaker, cares for the animals and performs education tours.  
21 Interned 2018 for 3 months, employed May 2019. Has BS in zoology, Masters certificate in  
22 wildlife management, working on masters in natural resources, USDA certified.

23 Jeremy Gier: Animal Caretaker: Cares for animals helps with educational tours. USDA  
24 Certified. Employed 11/2018

25 Timothy Wilson: Animal Caretaker: Cares for animals helps with educational tours.  
26 USDA Certified. Employed 3/28/2022

1 Angela Smith: Animal Caretaker: Cares for animals helps with educational tours.  
2 USDA Certified. Employed 7/14/2022

3 Denise Downs: Accountant: Accounts receivable. Employed 3/1/22

4 **INTERROGATORY NO. 5:** For the time period September 1, 2012, through the  
5 present, identify your volunteers, including the individual's name, date range during which they  
6 volunteered, and contact information.

7 **ANSWER:**

8 Objection. The request is overly broad, unduly burdensome, beyond the scope of  
9 Plaintiffs' litigation, compound, and not reasonably necessary to lead to the discovery of  
10 relevant evidence. Without waiving these objections, the names provided below are not  
11 exhaustive, and Plaintiffs' should review documents provided with these responses at Bates  
12 Stamp 1443 through 1479.

13 William Coleburn

14 Jeanne Hall

15 Jack Coleburn

16 David Wertz

17 Tony Cloud

18 Denise Coleburn

19 Justin Krueger

20 Ashley Carr

21 Daniel Overman

22 April Grossrock

23 Alicia Lanphear

24 Chris Patterson

25 Sunny Lee

26 Kenny Cole



- 1 Caleb Cole
- 2 Kurt Cole
- 3 Cody Knight
- 4 Sadie Dupar
- 5 Alyssa Rennengay
- 6 Agnes Reese
- 7 Kevin Lowrey
- 8 Chrystal Lowrey
- 9 Ross Baker
- 10 Mike Roddy
- 11 John Winter
- 12 Tina Belle Isle
- 13 Mark Bodie
- 14 Margot Knuth
- 15 Mark Beaudet
- 16 Greg Shellen
- 17 Kevin Martinez
- 18 Paige Coburn
- 19 Brandon Wallace
- 20 Bruce Mullen
- 21 Kim Cole
- 22 Angie Zwiers
- 23 Ryan Tupper

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1           **INTERROGATORY NO. 6:** Identify all Animals currently in your possession,  
2 custody, or control. In your response, include the species, number of each species, how each  
3 Animal was obtained (*e.g.*, purchased, bred by Predators, received from individual, received  
4 from governmental agency), and what type of enclosure each Animal is housed in.

5           **ANSWER:**

6           Objection. The request is overly broad, unduly burdensome, and compound. The  
7 animals listed below are all housed in enclosures that are in compliance with all state and  
8 federal regulations.

9

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

1	Albino Red Tailed Boa	Rescue
2	2 Kinkajous	Transfer
3	2 Goats	Purchased

4

5 **INTERROGATORY NO. 7:** For the time period September 1, 2012, through the  
6 present, identify every Escape of any Animal from its enclosure, including the Animals  
7 involved, persons present at the Property when the Escape occurred (if any), persons notified  
8 of the Escape, time elapsed before capture, and how and by whom the Animal was ultimately  
9 captured.

10 **ANSWER:**

11 In the last 20+ years, there have been two escapes.

12 In 2012, our white wolfdog, Shasta, escaped. This wolfdog was ultimately apprehended  
13 without issue by animal control and was returned to POTH. No individuals or animals were  
14 injured. This has been documented previously and all facts have been previously sent to  
15 Plaintiffs and is available via public record. POTH's enclosures have been drastically  
16 overhauled since this time, as this escape occurred over ten years ago.

17 In October 2021, POTH staff discovered that, after being provoked by an unleashed,  
18 neighboring dog, three wolfdogs dug beneath the fencing of their day run to pursue the  
19 provoking neighbor dog. The neighboring dog was killed by Celine the wolfdog. The escape  
20 occurred at 9:27am and the wolfdogs were apprehended by staff within 20 minutes. The  
21 wolfdogs all came when called.

22 As a result of this escape, POTH euthanized Celine. POTH notified USDA, animal  
23 control, and the City of Anacortes immediately; neighbors were contacted via local authorities.

24 Further, POTH has re-allocated resources so that no neighboring properties border wolf  
25 enclosures, thus eliminating the ability of wolfdogs to escape onto neighboring property  
26 regardless of provocation.

1           **INTERROGATORY NO. 8:** For the time period September 1, 2012, through the  
2 present, identify all injuries to persons occurring at the Property as well as all instances in which  
3 you were notified of an injury occurring at the Property, including the name of the injured  
4 person, relationship of the person to Predators, Animal(s) involved (if any), and date of the  
5 incident.

6           **ANSWER:**

7           In 2018, a puppy nipped at a guest, Jennifer, but did not break her skin or clothing. The  
8 guest was ultimately frightened, but no injury occurred. The guest called POTH shortly after  
9 the experience and apologized for her erratic behavior and confirmed that no injury occurred.

10           On April 19 2022, an employee, Amanda McCall, was bit on her hand by one of the  
11 sloths.

12           **INTERROGATORY NO. 9:** Identify all certifications, accreditations, or licenses that  
13 you currently possess, as well as all pending applications for certifications, accreditations, or  
14 licenses.

15           **ANSWER:**

16           USDA Class C Exhibitors- 91-C-0071

17           Tax Exempt- 91-1951095

18           Skagit County Special Use Permit

19           **INTERROGATORY NO. 10:** Identify all certifications, accreditations, or licenses for  
20 which you applied but did not receive.

21           **ANSWER:**

22           In 2014, a Skagit County Special Use Permit was refunded from the County. Due to the  
23 permitting being unnecessary for POTH's operations.  
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1           **INTERROGATORY NO. 11:** For the time period September 1, 2012, through the  
2 present, identify all instances in which you sold any Animal(s) in your custody, possession, or  
3 control.

4           **ANSWER:**

	Wolf Dog Transfer Date
5	8/16/12
6	4/17/13
7	5/1/13
8	5/2/13
9	5/13/13
10	5/14/13
11	5/23/13
12	6/5/13
13	6/17/13
14	6/17/13
15	6/26/13
16	6/28/13
17	7/6/13
18	5/19/14
19	6/2/14
20	4/13/15
21	4/16/15
22	5/12/15
23	5/12/15
24	5/24/16
25	5/25/16
26	5/27/16
27	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

23           **INTERROGATORY NO. 12:** Identify each Animal currently in your possession,  
24 custody, or control (including but not limited to wolves, wolf-hybrids, and mountain lions) that  
25 was bred by Predators or otherwise born at the Property.  
26

1           **ANSWER:**

2           One cougar was conceived by accident approximately ten years ago; USDA was notified  
3 and is aware of the incident, and it has not occurred since.

4           Wolfdogs had been conceived prior to SCC 7.04 for conservation efforts, as allowable  
5 by law.

6           **INTERROGATORY NO. 13:** For the time period September 1, 2017, through the  
7 present, identify all instances in which you displayed your Animals at a fair and which Animals  
8 were displayed at each fair.

9           **ANSWER:**

10           2017 Grant County Fair and Chelan County Fair.

11           2018 Chelan County Fair

12           2019 Chelan County Fair

13           2021 San Juan County Fair

14           Wolfdogs, cougars, owl, vulture, porcupine, opossums, prehensile porcupine, cobra, green  
15 mamba, rattle snakes, alligators, corn snakes, skunk, fox, blood python, reticulated python,  
16 kinkajou, beaded lizard, glia monster, Burmese pythons, iguanas.

17           **INTERROGATORY NO. 14:** For each of your current employees with supervisory  
18 responsibilities or your agents with supervisory responsibilities, state that person's name, scope  
19 of authority, duties, dates of employment, supervisor(s), and compensation.

20           **ANSWER:**

21           Ashley Carr: Executive Director Supervisors Manages day to day operations

22           Holly Soyke: Animal Caretaker Lead for wolfdog and feline care

23           Jeremy Gier: Animal Caretaker Lead for Sloth and Birds

24           Timothy Wilson: Animal Caretaker Lead for Small Mammals

25           Angela Smith: Animal Caretaker: Lead for farm life and small mammals

1 Denise Downs: Accountant: Accounts receivable

2  
3 **INTERROGATORY NO. 15:** Identify the number of wolves in your possession,  
4 custody, or control, and identify which of those wolves was born at the Property and when.

5 **ANSWER:**

6 None.

7 **INTERROGATORY NO. 16:** Identify the number of wolf-hybrids in your possession,  
8 custody, or control, and identify which of those wolf-hybrids was born at the Property and  
9 when.

10 **ANSWER:**

11 All wolfdogs in current possession and custody were born on-site due to conservation  
12 efforts by POTH and as allowable by law.

13 **INTERROGATORY NO. 17:** Identify the height of each of the enclosures for the  
14 wolves, wolf-hybrids, and mountain lions in your possession, custody, or control.

15 **ANSWER:**

16 All enclosures meet all requisite USDA standards and requirements.

17 Cougars 8' 6 sided (top, bottom, 4 sides)

18 Wolves 6-8' with 2' tilt-ins and 5-strand electric for day runs with perimeter. Night runs  
19 8' 6 sided (top, bottom, 4 sides) with perimeter 6'-8' with 2' tilt ins and electric 5 strand. After  
20 2021 escape, POTH re-allocated resources to move all enclosures so that no enclosure borders  
21 any neighboring property as noted above.  
22

23 **INTERROGATORY NO. 18:** Identify all services or platforms which you have used  
24 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.

1 **REQUESTS FOR PRODUCTION**

2 **REQUEST FOR PRODUCTION NO. 1:** Produce all Documents that evidence,  
3 reflect, refer, and/or relate to, your answer to Interrogatory No. 1.

4 **RESPONSE:**

5 Please see produced documents. Bates stamped POTH 0001-1154.

6 **REQUEST FOR PRODUCTION NO. 2:** Produce all Documents that evidence,  
7 reflect, refer, and/or relate to, your answer to Interrogatory No. 2.

8 **RESPONSE:**

9 Please see response to interrogatory no. 2.

10 **REQUEST FOR PRODUCTION NO. 3:** Produce all Documents that evidence,  
11 reflect, refer, and/or relate to, your answer to Interrogatory No. 6.

12 **RESPONSE:**

13 Please see produced documents. Bates stamped POTH 1155-1174.

14 **REQUEST FOR PRODUCTION NO. 4:** For every Animal identified in Interrogatory  
15 No. 6 as having been received by you from a governmental agency, produce all Documents  
16 between you and that agency concerning the Animal(s).

17 **RESPONSE:**

18 Objection. The request is unduly burdensome as these documents are available via  
19 public records and were disclosed during the public comment portion of POTH's application  
20 for a special use permit. Without waiving this objection, please see produced documents at  
21 POTH 1175-1191.  
22

23 **REQUEST FOR PRODUCTION NO. 5:** Produce all Documents that evidence,  
24 reflect, refer, and/or relate to, your answer to Interrogatory No. 9.  
25  
26

1           **RESPONSE:**

2           Please see produced documents at POTH 1176-1223.

3           **REQUEST FOR PRODUCTION NO. 6:** Produce all Documents that evidence,  
4 reflect, refer, and/or relate to, your answer to Interrogatory No. 10.

5           **RESPONSE:**

6           Please see produced documents at POTH 1224-1259.

7           **REQUEST FOR PRODUCTION NO. 7:** Produce all Documents that evidence,  
8 reflect, refer, and/or relate to, your answer to Interrogatory No. 11,  
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10          **RESPONSE:**

11          Please see produced documents at POTH 1260-1266.

12          **REQUEST FOR PRODUCTION NO. 8:** For the time period September 1, 2012,  
13 through the present, produce all Documents reflecting or referencing your Board of Directors'  
14 meeting minutes.  
15

16          **RESPONSE:**

17          Please see produced documents at POTH 1267-1287.

18          **REQUEST FOR PRODUCTION NO. 9:** For the time period September 1, 2012,  
19 through the present, produce all Documents that evidence, reflect, refer, or relate to any  
20 complaint about or concerning you, the Property, or any Animal in your in its possession,  
21 custody, or control, including but not limited to complaints from visitors, volunteers,  
22 employees, and community members.

23          **RESPONSE:**

24          Objection. The request is broad, compound, and ambiguous. Without waiving the  
25 objections, Plaintiffs' are in control of the documents they have used to file this complaint.  
26 Furthermore, documents of various complaints are part of the public records during the open  
27

1 comment period of the Skagit County special use permit process. Without waiving these  
2 objections see produced documents at POTH 1288-1289. This answer may be supplemented as  
3 discovery progresses.

4 **REQUEST FOR PRODUCTION NO. 10:** Produce all Documents reflecting  
5 correspondence with Airbnb concerning Predators of the Heart and/or the Property.

6 **RESPONSE:**

7 Objection. The request is unduly burdensome and not reasonably calculated to lead to  
8 the discovery of relevant evidence.

9  
10 **REQUEST FOR PRODUCTION NO. 11:** Produce all contracts with Airbnb or any  
11 similar platform, and all Documents reflecting any contracts with or contractual obligations to  
12 Airbnb or to any similar platform.

13 **RESPONSE:**

14 Objection. The request is overly broad, unduly burdensome, and not reasonably  
15 calculated to lead to the discovery of relevant evidence. Without waiving the objections, please  
16 see produced documents at POTH 1290-1292.

17  
18 **REQUEST FOR PRODUCTION NO. 12:** Produce all Documents previously  
19 produced by you to Skagit County in the Skagit County Litigation.

20 **RESPONSE:**

21 Objection. The request is unduly burdensome, redundant, and not reasonably calculated  
22 to lead the discovery of relevant evidence. All documents have been produced to Plaintiffs as  
23 part of the public comment process. Plaintiff produced those documents during the public  
24 comment time. All documents not references are available via public record.

1           **REQUEST FOR PRODUCTION NO. 13:** For the time period September 1, 2019,  
2 through the present, produce Documents sufficient to show your month-by-month profits and  
3 losses.

4           **RESPONSE:**

5           Please see produced documents at POTH 1293-1298.

6           **REQUEST FOR PRODUCTION NO. 14:** For the time period September 1, 2019,  
7 through the present, produce Documents sufficient to show your month-by-month revenue.

8           **RESPONSE:**

9           Please see produced documents at POTH 1299-1304.

10           **REQUEST FOR PRODUCTION NO. 15:** Produce all Documents concerning your  
11 2014 special use permit application, including any correspondence from Skagit County  
12 indicating that you were not required to secure a special use permit.

13           **RESPONSE:**

14           Please see produced documents at POTH 1305-1306. Much of the correspondence  
15 occurred via in-person meetings; as a small nonprofit organization, extensive records being kept  
16 of correspondence was not required by any law.

17           **REQUEST FOR PRODUCTION NO. 16:** For the time period September 1, 2012,  
18 through the present, produce all Documents reflecting or referencing your bylaws.

19           **RESPONSE:**

20           Objection. The request is unduly burdensome and not reasonably calculated to lead to  
21 the discovery of relevant evidence.

22           **REQUEST FOR PRODUCTION NO. 17:** For the time period September 1, 2012,  
23 through the present, produce all agreements with any Federal, State, or County agency or other  
24 regulatory body.

1           **RESPONSE:**

2           Objection. The request is unduly burdensome and not reasonably calculated to lead to  
3 the discovery of relevant evidence.

4           **REQUEST FOR PRODUCTION NO. 18:** Produce all Documents provided to Skagit

5 County in connection with your 2022 special use permit application.

6           **RESPONSE:**

7           Objection. The request is unduly burdensome as Plaintiffs are already in possession of  
8 these documents. All documents are public records. Without waiving these objections see  
9 POTH 1306-1408.

10           **REQUEST FOR PRODUCTION NO. 19:** Produce all correspondence concerning

11 your 2022 special use permit application, including internal correspondence and  
12 correspondence with Skagit County.

13           **RESPONSE:**

14           Objection. The request asks for disclosure of communications that are protected by  
15 attorney-client privilege. All relevant documents are available to Plaintiffs via public records.

16           **REQUEST FOR PRODUCTION NO. 20:** Produce Documents sufficient to show

17 your legal claim to and ownership over the Property.

18           **RESPONSE:**

19 Please see produced documents at POTH 1409-1415.

20           **REQUEST FOR PRODUCTION NO. 21:** Produce all Documents reflecting any right

21 of refusal on sale of the Property.

22           **RESPONSE:**

23 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 31<sup>st</sup> 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



1 **ATTORNEY CERTIFICATION**

2 In compliance with CR 26(g), the undersigned attorney for Predators of the Heart has  
3 reviewed the objections provided in these discovery responses.

4 DATED this 31<sup>st</sup> day of October 2022.

5  
6 OSERAN HAHN P.S.

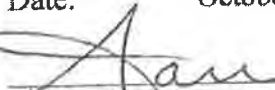
7 By: *s/*

8 Caleb M. Stewart, WSBA No. 51522  
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10  
11 **PARTY VERIFICATION**

12 I, Ashley Carr, have provided and read the above answers to Plaintiffs' First Set of  
13 Interrogatories and Requests for Production. I know the content thereof, and believe such  
14 answers to be true, complete, and accurate.

15  
16 Date: October 31, 2022

17 

18 Ashley Carr  
19 President of Predators of the Heart  
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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,

A handwritten signature in black ink, appearing to read "D. Knutsen", with a stylized flourish at the end.

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.

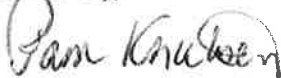
We have lived at our current address for 33 years. We moved to the neighborhood to enjoy our property and peace and quiet. We have been negatively impacted by the presence of POTH. The way we have been negatively impacted is by the rat infestation, worry of the wolves and cougars escaping, which they 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

1:37 PM

Mr. Kevin Cricchio  
Senior Planner  
180 Continental Place  
Mt. Vernon, WA 98273

Mr. Kevin Cricchio 1:37 PM  
Senior Planner  
180 Continental Place  
Mt. Vernon WA 98273

SKAGIT COUNTY  
PDS

NOV 18 2022

RECEIVED

Knutsen  
4592 Welch Lane  
Anacortes WA 98221

**From:** [Planning & Development Services](#)  
**To:** [Kevin Cricchio](#)  
**Subject:** FW: PDS Comments PL22-0133  
**Date:** Monday, November 21, 2022 12:29:37 PM  
**Importance:** High

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**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](mailto: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

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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

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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

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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

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Name : Bruce Bunten  
Address : 7640 SW 153RD CT APT 102  
City : MIAMI  
State : FLORIDA  
Zip : 33193

email : [buntenb@gmail.com](mailto: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

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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

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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

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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

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From dept email

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**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](mailto: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

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From dept email

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**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](mailto: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

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From dept email

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**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](mailto: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

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From dept email

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**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](mailto: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

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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

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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

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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

Skagit County Planning and Development Services  
Mitigation Determination of Nonsignificance ( MDNS )

11/15/22

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

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*

*2 OF 2*



11-15-22

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

**For:** Predators of the Heart  
**File Number** PL22-0133

RECEIVED  
NOV 16 2022  
SKAGIT COUNTY  
PDS

**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 enclosure 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  
FDS

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	720560 3688
ROBERT BILLOW	13630 Orca Ln ANACORTES, WA 98221	360 708 3069
Anthony Spender	720 Electric ave Walla Walla wa 99362	509 520 3096
SPENCER STEFFEN	1314 27 <sup>th</sup> STREET ANACORTES, WA 98221	805-895-3030
Jess Hottel	41202 AVE ANACORTE, WA	360-770-4007
Ed McVanece	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	360-078-2424
JAN KRIEGER	P.O. Box 616 <sup>Wak</sup> Anacortes, WA 98221	360 914 0201
Tobias Billow	13630 Orca Ln 98221	360-855-8446
JUDE APPE	90137TH ST ANACORTES WA	360 630 1839
CARIE APPE	90137TH 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:

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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 I request that it be amended to incorporate the following conditions in addition to those that are already listed:

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Sincerely,

A handwritten signature in cursive script that reads "Jenny L Welch". The signature is written in black ink and is positioned above the printed name.

Jenny L Welch  
360-708-8536



Kevin P Welch  
PO Box 1420  
Anacortes, WA 98221

RECEIVED  
NOV 16 2022  
SKAGIT COUNTY  
PDS

Nov 14, 2022

Mr. Kevin Cricchio, AICP  
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Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin P Welch', with a long, wavy horizontal line extending to the right.

Kevin P Welch  
360-708-8516





Heather Jennings  
14357 Van Luven Lane  
Anacortes, WA 98221

RECEIVED  
NOV 16 2022  
SKAGIT COUNTY  
PDS

Nov 15, 2022

Mr. Kevin Cricchio, AICP  
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Sincerely,



Heather Jennings

~~360-982-0406~~

360-770-8894





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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Sincerely,

A handwritten signature in cursive script, appearing to read "Jessi Williams".

Jessi Williams

~~360-420-8954~~

360-941-9344



Sedric Benson  
4704 Cypress Drive  
Anacortes, WA 98221

RECEIVED  
NOV 16 2022  
SKAGIT COUNTY  
PDS

Nov 15, 2022

Mr. Kevin Cricchio, AICP  
Senior Planner  
Skagit County Planning & Development Services  
1800 Continental Place  
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Sincerely,



Sedric Benson  
360-982-0406







**From:** [Planning & Development Services](#)  
**To:** [Kevin Cricchio](#)  
**Subject:** FW: PDS Comments  
**Date:** Wednesday, November 16, 2022 10:18:01 AM

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From dept email

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**From:** [website@co.skagit.wa.us](mailto:website@co.skagit.wa.us) <[website@co.skagit.wa.us](mailto:website@co.skagit.wa.us)>  
**Sent:** Tuesday, November 15, 2022 4:00 PM  
**To:** Planning & Development Services <[planning@co.skagit.wa.us](mailto: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](mailto: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](mailto: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