

RECEIVED

MAY 09 2022

SKAGIT COUNTY
PDS

May 5, 2022

Regarding file# **PL 22-0133**

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

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

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

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

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

Sincerely,
Sarah Meyhoff
3809 Rockridge Pkwy
Anacortes, WA 98221

RECEIVED

MAY 09 2022

SKAGIT COUNTY
PDS

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

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


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

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

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

Kevin,
Thank you!
JuLee

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

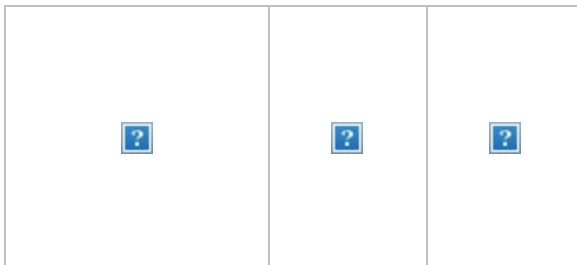
Hello JuLee. Thanks for emailing me at my work email. I don't use my personal email for anything except personal in nature and don't mix the two.

Most of your questions predate my employment with Skagit County. I have copied Code Enforcement Officer Tom Wenzl on this email should he have answers for you. Thanks.

Kevin Cricchio, AICP, ISA | SENIOR PLANNER

Skagit County Planning & Development Services Department

Phone: (360) 416-1423



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

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

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

Hi Kevin,

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

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

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

Sincerely,

JuLee Rudolf

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

Hi JuLee. You're emailing my personal email address. Not sure how you got this. You'll need to email me at my work email address. Thank you.

Kevin

On Feb 9, 2023, at 4:54 PM, JuLee Rudolf <juleerudolf@gmail.com> wrote:

Hi Kevin,

I don't have a comment on this (and I know the comment period has passed), I'm just a lowly member of the Anacortes community who has been following this and considering writing (let's call it an) article about POTH, which I have done before.

<https://juleerudolfblog.wordpress.com/2019/10/29/chances-with-wolves/>

Here is what I am wondering, if, instead of applying for this application, POTH had continued to operate with their current Class C license, would they have been able to do that?

Also, I know that before 2015, when Skagit County sued them and then let them be, the county enacted a law that "added wolves, cougars, venomous snakes and foxes to the county's list of prohibited animals." Did the existence of POTH prompt this change in the law, or was it unrelated to the Sanctuary?

I understand that several POTH neighbors filed a lawsuit against them, so that's an issue. Again, I'm just wondering what prompted their application for the Special Use Permit. If they would have been able to continue their airbnb visits to the sanctuary (their primary source of revenue), I don't understand why they would file for this

permit.

Thank you for your help.

Sincerely,

JuLee Rudolf

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

4816 Woodside Drive

Anacortes WA 98221

(360)320-4747

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

From dept email

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

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

Department : Office of Land Use
Name : Rob Howson
Email : robhowson.rh@gmail.com

Other : Please forward to the appropriate department or official. Are you seriously going to force an animal sanctuary to euthanize the animals it has tried to provide a life for due to a lawsuit(get rich quick scheme) and a frivolous permitting issue. Something about this doesn't make sense. Unfortunately the animals are the ones that will pay the price.

From Host Address: 72.143.202.34

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

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

May 6, 2022

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

VIA HAND DELIVERY

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

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

Dear Mr. Cricchio:

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

The Application disregards and, in some instances, misrepresents, the serious safety and public health threats posed by the large collection of dangerous animals housed in close vicinity to residential properties. Indeed, since Predators of the Heart ("Predators") has been located at the Property, residents of the Welch Lane community and visitors to the Anacortes Community Forest Lands have faced threats to their safety and well-being resulting from the numerous escapes of wild, dangerous animals (and related killings of family pets), as well as unreasonable levels of noise from Predators' facility. Nor does the Application acknowledge Predators' numerous violations of County and State law (and related *per se* public nuisances), stemming from the housing, breeding, and escape of wild, dangerous animals.

Pursuant to SCC 14.16.900(1)(b)(v), Predators must satisfy certain criteria to secure a Special Use Permit. Because Predators wholly fails to satisfy the vast majority of these criteria, **the Application should be denied.**

- a) **A wild animal “sanctuary” is incompatible with the neighboring properties because it poses a significant threat to the safety and health of the Welch Lane community.**

Predators must show that its proposed use “will be compatible with existing and planned land use,” “will not cause potential adverse effects on the general public health, safety, and welfare,” and “is not in conflict with the health and safety of the community.” SCC 14.16.900(1)(b)(v)(A), (E), (G). Predators falls far short of satisfying its burden on any of these factors. SCC 14.16.900(1)(b)(v) (“The burden of proof shall be on the applicant to provide evidence in support of the application.”).

The properties surrounding the Property are residential homes inhabited by families, including children and pets. **Wild, dangerous animals—including several cougars, two dozen wolves or wolf hybrids,¹ alligators, and venomous snakes—are wholly incompatible with the needs and priorities of family homes.** See Application at 11 (listing the animals currently housed on the Property, including “3 cougars, . . . 24 wolfdogs, . . . 5 alligators, . . . [and] 1 rattle snake”). The Welch Lane community has not been, and will not be, safe while Predators is allowed to house wild, dangerous animals in close proximity to families.

Perhaps recognizing the significant safety issues, the Application makes egregious misrepresentations concerning past issues at the Property, including animal escapes resulting in law enforcement and legal action. Predators asserts, for example, that it has “had only one escape” since 2001. **That is blatantly false.** A post from December 2017 on the City of Anacortes website describes two escapes: one in February 2012 and another in October 2017.² A *Skagit Valley Herald* article from October 2021 describes yet another escape, this time involving three wolves that “attacked and killed a neighbor’s dog.”³

¹ Although the Application sometimes describes Predators’ animals as “wolfdogs,” it also frequently describes them as “wolves.” Compare Application at 11 (“24 wolfdogs”), with Application at 3 (“our wolves”). It is unclear what percentage of Predators’ animals are indeed full wolves.

² *Warning Signs in Anacortes Community Forest Lands*, City of Anacortes (Dec. 26, 2017), <https://cityofanacortes.org/CivicAlerts.aspx?AID=79&ARC=892> (enclosed as Exhibit A).

³ Jacqueline Allison, *Anacortes Community Forest Lands Trails Back Open after Wolves Captured*, *Skagit Valley Herald* (Oct. 19, 2021), https://www.goskagit.com/news/local_news/anacortes-community-forest-lands-trails-back-open-after-wolves-captured/article_938b8d04-7d45-5701-a319-687d1e6d67e2.html (enclosed as Exhibit B).

May 6, 2022

Page 3

The 2012 escape resulted in the destruction of a City of Anacortes Animal Control vehicle, after Animal Control had to capture the wolf hybrid and “wait[] for Coleburn to arrive.” Decl. of Marie Padovan at 11, *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit C; also describing how Mr. Coleburn had called Animal Control and told them he was looking for his “white female German Shepherd Mix”). And these are only the escapes of which law enforcement was made aware. One of our clients has seen wolves running loose on adjacent properties and in the Anacortes Community Forest on at least five separate occasions.

Nor does Predators’ proposal indicate that past safety issues will be remedied. Despite the pattern of escapes, Predators’ Prevention Safety Protocols does not require employees to notify neighbors *or law enforcement* of the escape of a dangerous animal. Instead, the Application indicates that escapes should be reported to a “Tier 1 [Predators] employee,” who should then notify law enforcement only if the animal has left the Property. Application at 25. The only “Tier 1” employees are Ashley Carr (the president of Predators) and Daniel Overman (the vice president). Application at 28. Neither appears to have any education or formal training in wildlife management or dangerous animals, and the Safety Protocols allow someone to be classified as “Tier 1” with just 5 years of “on the job experience.” Application at 22. There is also no indication that either of these individuals will always be on the Property to respond to escapes.

Predators also seems to acknowledge the likelihood these dangerous animals will escape. Notably, the Application asserts that “escapes are not possible in the evening or morning hours when staff are not on-site. But it does not say the same about the daytime hours, and Predators admits that “escape is a possibility.” Application at 8, 22. Only compounding these issues, Predators exhibits a concerning lack of ownership over the one escape they *do* admit to—asserting it was “instigated by a leashless dog.” Application at 3. If the presence of a “leashless dog” can cause the escape of a dangerous wolf in a residential neighborhood, Predators is clearly ill-equipped to be housing dozens of wild, dangerous animals in close proximity to families, including children.

Predators’ falsifications, standing alone, warrant denying the Application. But even setting aside those misrepresentations, the numerous escapes, lack of accountability, and serious threats to the public’s safety and welfare are clear grounds for denying the Application. SCC 14.16.900(1)(b)(v)(A), (E), (G). **Neighbors’ pets have been killed as a result of escapes and it is only a matter of time before a human is killed or seriously injured.**

b) The proposed use violates the Skagit County Code.

Nor can Predators establish that “[t]he proposed use complies with the Skagit County Code.” SCC 14.16.900(1)(b)(v)(B). **To the contrary, Predators’ operation violates numerous County and State laws and regulations.** For example, under SCC 7.04.030, “[a] person may not own, possess, keep, harbor, bring into the County, or have custody of control of any potentially dangerous wild animal.” SCC 7.04.030(1); *see also* RCW 16.30.030(1) (substantially the same prohibitions). Potentially dangerous wild animals include wolf hybrids and cougars, SCC 7.04.010, as well as rattlesnakes, alligators, and caimans. RCW 16.30.010(2). Although there are exceptions to those prohibitions, none apply to Predators. *See* SCC 7.04.020; RCW 16.30.020.

First, the exception for nonprofit organizations housing animals at the request of the animal control authority is clearly inapplicable. *See* SCC 7.04.020; RCW 16.30.020(1)(c). The exception covers “humane societies and shelters,” which Predators does not (and could not) purport to be. *Id.* Humane societies and animal shelters do not breed animals or offer paid tours to the public; their primary purpose is to rescue and rehome unhoued animals. Although the Application asserts, without any supporting evidence, that Predators has received a handful of animals (unwanted birds, an alligator, and a bobcat) from animal control, that is plainly secondary to its \$200-per-person “Wolf Encounters.” In all events, the exception applies only to the animals housed at the request of animal control, a limitation which Predators has not (because it cannot) establish applies to the vast majority of its animals. Indeed, Predators admits that “*none* of the wolves housed by [Predators] are rescues. They are all bred for the purpose of wildlife education, and, from a very early age, are exposed to humans to be ‘ambassador’ wolves.” Application at 4 (emphasis added).

Second, the exception for persons displaying animals at a fair under RCW 16.30.020(1)(l) does not apply to Predators on the 362 days a year that it does not show its animals at a fair. *See* SCC 7.04.020 (incorporating fair exception into the County code). Predators asserts that it completes “at least one State fair yearly to comply” with this exception. Application at 11. But the statute does not reference, as POTH suggests, a person owning an animal that he or she occasionally displays at a fair.” Rather, it refers to a “person *displaying* animals at a fair,” in the present tense. RCW 16.30.020(1)(l) (emphasis added). It applies only to an individual actively displaying an animal at such an event, which, by Predators’ own admission, it only does for 2-3 days per year. The Legislature did not intend to allow an organization or individual to house dozens of wild, dangerous animals on a year-round basis so long as they

show animals at a state fair a few times per year.⁴ See *City of Yakima v. Godoy*, 174 Wn. App. 1071, published with modifications at 175 Wash. App. 233, 305 P.3d 1100 (2013) (“We . . . cannot read a statute in a way that renders unlikely, absurd, or strained results.”).

Third, Predators is not a wildlife sanctuary under RCW 16.30.010(5).⁵ See SCC 7.04.020 (incorporating sanctuary exception into the County code). A wildlife sanctuary is a nonprofit organization that cares for animals defined as potential dangerous but does not conduct any “activity that is not inherent to the animal’s nature,” “commercial activity involving an animal,” “direct contact between the public and an animal,” or “breed of animals.” RCW 16.30.010(5). As evident in the Application, in which Predators admits to breeding wolves, and on Predators’ Airbnb site, which features photos of the paying public interacting directly with the animals, all of these prohibited activities are fundamental to Predators’ business model. Predators is not “qualified sanctuary” under County or State law. Application at 4.

In addition to the above violations, **Predators also has violated, and continues to violate various state laws.** For example, Washington law provides, without exception, that a “person shall not breed a potentially dangerous wild animal.” RCW 16.30.030(2)(a)-(b) (emphasis added). Yet Predators admits that it is breeding wolves and cougars on the Property. Application at 3 (“Our wolves are bred”); Compl. at 2, *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit D; describing one of Predators’ cougars as “captive bred”).

And this and other violations separately constitute *per se* public nuisances. See *Kitsap Cnty. v. Kitsap Rifle & Revolver Club*, 184 Wn. App. 252, 277, 337 P.3d 328 (2014) (defining a *per se* public nuisance as “an activity that is not permissible under any circumstances, such as an activity forbidden by statute or ordinance” (emphasis added)); see, e.g., RCW 16.30.010, .030(1) (barring possession of potentially dangerous wild animals, including wolves, tigers, alligators, and various venomous snakes); SCC 7.04.030, .060 (same, and deeming violations a public nuisance); RCW 16.30.030(2) (prohibiting the breeding of potentially dangerous wild animals); WAC 220-450-030(11)(a) (deeming escaped wildlife a public nuisance); RCW 7.48.140, (1) (deeming

⁴ Predators does not specify what it means by “completes one State fair,” including how many animals it takes to these fairs, if any, or if any of those animals are even the potentially dangerous types prohibited under the law.

⁵ Although the Application does not reference this exception, Predators has attempted to do so in the past. See, e.g., Mot. for Summ. J. at 2, *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit E).

deposited animal carcasses a public nuisance); WAC 173-60-040 (setting forth impermissible noise levels); SCC 9.50.040 (same).

In sum, Predators' actions are in flagrant violation of both County and State law. The Application should therefore be denied. *See* SCC 14.16.900(1)(b)(v)(B).

c) Predators already creates and will continue to create undue noise and odor for the surrounding dwelling units.

The proposed use must “not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.” SCC 14.16.900(1)(b)(v)(C). In response, Predators asserts that “there have been no noise, odor, heat, vibration, air or water pollution complaints” since 2001. Application at 7. *That is wholly untrue.* Not only have there been unofficial complaints, but Predators was sued by this County in 2015 for violating Washington and Skagit County law. *See* Compl., *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit D; seeking civil damages, injunctive relief, and permission to seize the animals).

In its court papers, the County explained that “[n]eighbors have found pieces of raw meat and processed lunchmeats lying around the neighborhood,” citing declarations from residents of the Welch Lane community. Mot. for Summ. J. at 8, *Skagit County v. Coleburn*, No. 15-2-00509-2 (2015) (enclosed as Exhibit E). Citing those same declarations, the County also described “[t]he noises from the wolves, cougars, and scavenging birds [as] neighborhood irritants.” *Id.* At the time of the 2015 lawsuit, Predators housed fewer than 20 “wolves and/or wolf hybrids” on the Property—according to the Application, there are now 24 “wolfdogs.” *See* Compl. at 3; Application at 11. The disturbances have undoubtedly increased with Predators' growing animal population.

The odor from spoiled, discarded raw meat and the howls and screeches of wolves and cougars (far from “exceedingly quiet,” Application at 6), have created, and/or continue to create, significant disturbance for the residents of the Welch Lane area. **Contrary to Predators' representations, neighbors have complained on multiple occasions to Predators' staff and County officials about these ongoing concerns.** Even setting aside Predators' striking omissions (in particular, the filing of lawsuit by the County over the very issues covered by the Application), the “undue noise” in particular unreasonably interferes with neighbors' enjoyment of their land. *See* RCW 7.48.130 (“A public nuisance is one which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.”); *see also, e.g.,*

Kitsap Cnty. v. Kitsap Rifle & Revolver Club, 184 Wn. App. 252, 279, 337 P.3d 328 (2014) (holding that shooting activities constituted a public nuisance in fact based on noise and safety issues).

d) Predators and its frequent paid tours generate and will continue to generate intrusions on the privacy of surrounding uses.

The proposed use will also “generate intrusions on privacy of surrounding uses,” in violation of SCC 14.16.900(1)(b)(v)(D). Predators sells “Wolf Encounters” through Airbnb for \$200 per person.⁶ These tours run six days a week, multiple times per day, and can include up to ten guests per tour. The traffic from these tours causes undue stress on a rural road, bringing carloads of tourists into a rural residential area, adjacent to undeveloped forestland. The unreasonable intrusion on the residents’ privacy is evident from the convoluted directions Predators provides to its customers and outlines in the Application. *See* Application at 9 (describing neighbor’s “beautiful gate,” and instructing customers “PLEASE DO NOT RING THE BELL ON THIS GATE!!!”). This instruction likely stems from the ongoing issue of individuals coming onto neighbors’ property looking for Predators, something that occurs several times per week.

Given the nature of the rural road and community, Welch Lane is not well-suited to directing commercial traffic, resulting in repeated trespasses on residents’ private property. *See* SCC 14.16.900(1)(b)(v)(D).

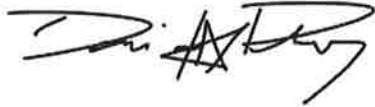
* * * *

Numerous assertions in the Application are false, or at least highly misleading. Predators’ request for a special use permit should be rejected on that ground alone. Regardless, Predators has not satisfied its burden under SCC 14.16.900(1)(b)(v). Predators houses and breeds dozens of dangerous, wild animals in a residential neighborhood in violation of various County and State laws. Housing those animals, particularly in light of the pattern of wolfescapes, **poses a serious safety risk to our clients, other members of the Welch Lane neighborhood, and visitors to the neighboring forestland.** The County should deny Predators’ Application.

⁶ Airbnb, *Howling with Ambassadors*, available at <https://www.airbnb.com/experiences/47240>.

May 6, 2022
Page 8

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 long, horizontal stroke extending to the right.

David A. Perez

Enclosures

cc: Alison R. Caditz, Perkins Coie LLP
Hannah Parman, Perkins Coie LLP
Kevin & Jenny Welch
Edward & Lynne Borlin
David & Pamela Knutsen
Nolan & Millicent Berlin
Maren Mansfield & Chris Harris

EXHIBIT A

[News Flash Home](#)

The original item was published from 12/26/2017 3:37:33 PM to 1/3/2020 2:29:17 PM.

What's Happening in Parks & Recreation

Posted on: December 26, 2017

[ARCHIVED] Warning signs in Anacortes Community Forest Lands

FOR IMMEDIATE RELEASE

December 26, 2017 - Anacortes, WA - The City of Anacortes has posted Warning signs on four trails in the Community Forest Lands to alert trail users that there is a wild animal refuge in unincorporated Skagit County. The trails with the signs are in the southern end of the Little Cranberry area. According to two police reports, in February 2012, a wolf from the refuge was captured in the ACFL. In October of 2017, a wolf escaped an enclosure and went on to private land adjacent to the animal refuge.

The signs read as follows:

Warning. There is a wild animal refuge in unincorporated Skagit County adjacent to the Anacortes Community Forest Lands. In the past, wolves have escaped their enclosure on to neighboring properties and the ACFL. Please stay on ACFL trails and use caution when walking with children and dogs. If you encounter a threatening situation call 911 immediately. Call ACFL staff at 360-299-1953 with questions.

Tools

[RSS](#)

[Notify Me@](#)

Categories

- [All Categories](#)
- [Front Page](#)
- [What's Happening in Parks & Recreation](#)
- [Public Works](#)
- [Senior Activity Center](#)
- [Planning, Community, & Economic Development](#)
- [Public Land Use Notices](#)
- [Public Works - Solid Waste](#)

Select Language



Jonn Lunsford

Parks and Recreation

jonn1@cityofanacortes.org

360-299-1953

P.O. Box 547

Anacortes, WA 98221

Other News in What's Happening in Parks & Recreation



98221 Studio Gallery-CALL TO ARTISTS

Posted on: April 18, 2022

Washington Park Restrooms

Posted on: February 7, 2022

Never miss an update! Sign up to stay connected

Posted on: January 5, 2022



eBikes in the ACFL-comments received by 2/24

Posted on: February 28, 2022

E-bikes in the ACFL-February 23rd Update

Posted on: February 25, 2022

E-bikes in the ACFL-New Comments 02/09/2022

Posted on: February 10, 2022

E-bikes in the ACFL-February 2nd Update

Posted on: February 2, 2022

E-bikes in the ACFL-January 26th Update

Posted on: January 26, 2022

E-bikes in the ACFL-New comments

Posted on: January 19, 2022

E-bikes in the ACFL

Posted on: January 14, 2022

Select Language 

EXHIBIT B

https://www.goskagit.com/news/local_news/anacortes-community-forest-lands-trails-back-open-after-wolves-captured/article_938b8d04-7d45-5701-a319-687d1e6d67e2.html

Anacortes Community Forest Lands trails back open after wolves captured

By JACQUELINE ALLISON @Jacqueline_SVH
Oct 19, 2021



In this February 2018 photo, the city of Anacortes had signs posted and a natural barrier constructed where city trails meet Predators of the Heart property.

Skagit Publishing file photo

**UDPATED, 3 p.m.*

The Anacortes Community Forest Lands trails reopened on early Tuesday afternoon after three wolves that had escaped their enclosure at a neighboring wildlife refuge were captured.

While on the loose, the wolf-dog hybrids attacked and killed a neighbor's dog, the Skagit County Sheriff's Office said in a Tuesday afternoon news release.

No people were injured.

The Sheriff's Office Animal Control unit located the wolves and returned them to their facility, the news release states. Chief Criminal Deputy Tobin Meyer said the wolves were on the loose for less than 30 minutes before they were captured by Animal Control.

The wildlife sanctuary, called Predators of the Heart, abuts the Little Cranberry Lake area of the community forest lands.

The sheriff's office, which has jurisdiction over the wildlife refuge property, alerted the city of Anacortes to the wolves' escape on Tuesday morning. As a precaution, the city temporarily closed forest land trails until the wolves were contained.

Predators of the Heart did not immediately respond to request for comment on Tuesday.

In September 2017, two leashed wolves broke away and killed the dog of a hiker in the Little Cranberry Lake area who had mistakenly walked onto wildlife refuge property, the Anacortes American reported in February 2018.

The incident prompted the city to install signs and try to clarify the trail boundary between the forest lands and the wildlife refuge property.

In October 2017, a wolf jumped a 7-foot electric fence and went onto a neighbor's property, according to sheriff's office reports. In 2012, a wolf escaped its enclosure and was captured in the forest lands.

Predators of the Heart, a registered nonprofit, houses exotic animals including wolves, cougars, bobcats, birds of prey and other species on 10 acres, and aims to educate the public about wildlife, according to its website.

The nonprofit offers a popular Airbnb experience that invites guests to meet its "wolf ambassadors" and other animals.

Skagit County previously filed a lawsuit against Predators of the Heart for failing to comply with a 2014 ordinance regulating potentially dangerous animals. The county later dropped the lawsuit, after finding a state exemption that permits the exhibition of potentially dangerous wild animals at state fairs.

— Reporter *Jacqueline Allison*: jallison@skagitpublishing.com, 360-416-2145, Twitter: [@Jacqueline_SVH](https://twitter.com/Jacqueline_SVH)

Jacqueline Allison

EXHIBIT C

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA
2015 NOV 18 AM 11:26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

**IN THE SUPERIOR COURT
FOR SKAGIT COUNTY, WASHINGTON**

18 SKAGIT COUNTY, a municipal corporation
of the State of Washington,

Plaintiff,

vs.

WILLIAM COLEBURN, DENISE
COLEBURN, husband and wife, and
PREDATORS OF THE HEART, a
Washington non-profit Corporation,

Defendants.

NO. 15-2-00509-2

DECLARATION OF MARIE PADOVAN

Marie Padovan declares:

I am over the age of 18 years and competent to testify regarding the matters asserted herein. I worked as the animal control officer for the City of Anacortes between 1978 and 2013. I was responsible for conducting investigations related to animal control, making and documenting reports, and issuing citations.

I make the following declaration based upon my own personal knowledge.

I am familiar with different breeds of dogs and wolves, including wolf hybrids. On February 9, 2012, I responded to a report of an animal running loose in the city. The animal, a wolf-hybrid, belonged to William Coleburn, who asked me to deliver the animal to his property

Declaration of Marie Padovan
No. 15-2-00509-2

1

PROSECUTING ATTORNEY
OF SKAGIT COUNTY
605 South Third Street
Mt. Vernon, Washington 98273
360-336-9460

1 at 4709 Welch Lane, which is located just outside of Anacortes, Washington in Skagit County,
2 because he "did not want his vehicle torn up." I know William Coleburn from several contacts
3 during my career as an animal control officer.

4 The following documents, which are attached to this declaration, are true and accurate
5 copy of official records that I prepared:

- 6 (1) Anacortes Police Report for incident no. 12-A00903.
7 (2) Ten photographs of damage caused to the city's animal control vehicle by William
8 Coleburn's captured wolf-hybrid.
9 (3) Certification for Probable Cause.

10 I declare under penalty of perjury under the laws of the State of Washington that the
11 foregoing is true and correct to the best of my knowledge.

12 Dated this 16th day of November, 2015 at Anacortes, Washington.

13
14 
15 MARIE PADOVAN
16

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

2753
Page: 1

Incident #: 12-A00903

LAW INCIDENT:

Nature: ANIMAL PROBLEM Address: HEART LAKE RD; near the parking lot
Location: APD AREA- 31 City: ANACORTES ST: WA Zip: 98221

Offense Codes: ANPR
Received By: PARKER B How Received: 911 CALL Agency: APD
Rspndg Officers: PADOVAN M DOTZAUER T FLOYD D
Rspnsbl Officer: PADOVAN M Disposition: Cleared Adult Arres on 01/29/13
When Reported: 10:22:27 02/09/12
Occurred: Between 10:20:20 02/09/12 and 10:20:34 02/09/12

Assigned_To	Detail	Date_Assigned	Status	Status_Date	Due_Date
		//**		**/**/**	**/**/**

Case History:

Radiolog:

Unit: D20	Enroute: 11:03:44 02/09/12 Completed: 11:48:46 02/09/12	Arrived: 11:14:55 02/09/12
Unit: D26	Enroute: 10:52:58 02/09/12 Completed: 11:48:46 02/09/12	Arrived: 10:55:33 02/09/12
Unit: D39	Enroute: 10:24:05 02/09/12 Completed: 12:25:18 02/09/12	Arrived: 10:40:08 02/09/12

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report.

2753
Page: 2

Incident #: 12-A00903

INVOLVEMENTS:

Type	Record #	Date	Relationship
dsmain	5895	03/04/13	RELEASED 02-25-13
dsmain	6670	06/21/13	RELEASED 06-21-13/KI
dsmain	7291	10/11/13	RELEASED 10-10-13/KI
prmain	427339	02/13/12	EVIDENCE PROCESSED
inmisc	103778	01/29/13	UPDATED 02-21-13/MED
nmmain	138030	02/14/12	SUSPECT/CHGD
nmmain	127738	02/14/12	Complainant
jmmain	AC0014383	02/21/13	Arrest/Offense
cdcall	C12012575	02/09/12	Initiating Call

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

2753
Page: 3

Incident #: 12-A00903

REPORTTEES:

NAME: OLSEN, STEVEN H.

Name Number: 127738

Race: W Sex: M DOB: 09/03/50

Address: 1501 20TH ST, ANACORTES, WA 98221

Home Phone: (360)293-8113

Work Phone: () -

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

2753
Page: 4

Incident #: 12-A00903

SUSPECTS:

NAME: COLEBURN, WILLIAM D. Name Number: 138030
Race: W Sex: M DOB: 03/14/56 Height: 6'00" Weight: 210 Hair: BRO Eyes: BLU
Address: 6128 PARK SIDE DR, ANACORTES, WA 98221
Home Telephone: (360)293-7396 Work Telephone: () -

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

2753
Page: 5

Incident #: 12-A00903

ARRESTEE

NAME: VOID Name Number: VOID
Race: Sex: F DOB: 01/01/01 Height: ' " Weight: 0 Hair: Eyes:
Address: ', '
Home Telephone: () - Work Telephone: () -

ARREST Date: 16:00:00 02/20/13
Type: CITE AND RELEASE
Disp: Handled Within Department
Judicial Age Status: A

Agency: ANACORTES POLICE DEPT
Arresting Officer: PADOVAN M
Location: FOREST LAND 304

OFFENSE: Animal Problem
Statute: ANIMAL PROBLEMS
Class: MISD
Location: FOREST LAND 304

Time/Date: 10:24:00 02/09/12
Type: MUNICIPAL ORDINANCE
Court: ANACORTES MUNI COURT
Law: ANACORTES

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

Page: 2753
6

Incident #: 12-A00903

PROPERTY INFORMATION:

Item Type: CD
Item/Brand: PHOTO
Serial Number:
Characteristics:
Quantity:
Owner ID Number:

Property Number: 427339
Model: OFFICER
Color: /

Meas: Total Value: 0.00

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

Page: 2753
7

Incident #: 12-A00903

NARRATIVE:

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

2753
Page: 8

Incident #: 12-A00903

ACO M.PADOVAN 02-10-12 12-A00903/ANIMAL PROBLEM

3) ADDITIONAL SUSPECTS

White Wolf Female owned by Dave Coleburn, which got loose from his compound at 4665 Welch Lane.

6) PHYSICAL EVIDENCE

Anacortes Police Evidence/Property log E-6517 which is the photo card of the damage to the City of Anacortes vehicle.

Email sent from dispatch to ACO Emily Diaz on Thursday, 02-09-2012 in regards to Deputy Sonnabend contacting Dave Coleburn.

9) PROPERTY DAMAGE

Canopy belonging to Animal Control truck #114 was damaged, as the Wolf which had been placed in it ripped the liner off as well as the screens which were on the windows and then knocked the interior light/brake light off. Estimated cost of damage to repair \$300.00. Pictures were taken of damage, see Evidence form #E-E6517.

5 (6 foot) rope slip lead were also chewed up. These leads cost \$12.99 each.

A City of Anacortes equipment/property damage report was filed with the City.

11) NARRATIVE

This Officer was dispatched to a complaint of a big white dog which may have been hurt, loose in the Heart Lake area.

As I got near the area, I was stopped by a City of Anacortes worker and advised that a big white dog had just been seen on trail 304. This trail is inside the City of Anacortes limits.

Upon arrival at this trail head, thinking that there might be an injured dog I used my own personal dog (Ryder) to track it. We were quite a distance into the woods when Ryder alerted and I saw that there was a White animal watching us. As I looked at this animal I realized that this was not a dog but a wolf. I then started walking towards it and it stood its ground and had its head lowered and tail down. I did not like the stare I was getting from it and then it started to come towards us. I at that time saw that my dog was alerting to and heard the Wolf give a little growl. I then called Officer Dotzauer and asked if he could head back as I felt that this animal was starting to become aggressive.

This wolf was also starting to circle us.

At the time Officer Dotzauer had joined me on the trail, I let my dog greet the wolf. All this time my dog was on leash and close to me and this is how I was able to get a leash on the wolf. Once the wolf was caught it reacted by trying to bite the leash but I was able to get it to stop by having my dog get closer to her.

Officer Dotzauer then took the leash which was on the wolf and it followed my dog out of the woods to the trail head and our vehicles.

It is at that time that I put another leash on it and this is when it started fighting us and biting both leashes. Officer Floyd arrived at this time and I had him get the lunge pole out of the city truck as the Wolf was biting through the leashes. I then got out my ramp and both Officers made the Wolf walk up the

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

2753
Page: 9

Incident #: 12-A00903

ramp into the city vehicle. We had to bungee the canopy lid down as the Wolf was throwing itself against it. The Wolf was able to also get the lunge pole off of it. It then ripped the screen off of the drivers side of the canopy and started to get the window to open, at which time I grabbed it by the nose and pushed it back in. It then did the same thing to the passenger side of the canopy.

I phoned Dr. Anderson and advised him that I was bringing in what I thought was a Wolf and that it was tearing up my canopy and we would somehow have to tranquilize it.

Once we arrived at the pound Dr. Anderson met us out back and agreed with me that this was a Wolf and he really did not want this in the pound. Both of us then thought that this maybe is one of Coleburn's Wolves.

Dr. Anderson was able to get Coleburn on the phone and he told him it was one of his, and that he would be on his way.

While waiting for Coleburn to arrive the Wolf started ripping up more of the canopy and wiring, as well as some equipment which was in the back. I then got my dog back out of the front of the truck and the Wolf started to focus on him and as long as she could see my dog she stopped attacking the canopy.

When Coleburn arrived he opened the back of the city truck and the Wolf calmed down. He lifted her out and was going to put her in his van but then asked if I could transport it back to the compound as he was afraid his van would look like the city's vehicle.

I did take the Wolf back. The Wolf was put in a covered run and Coleburn showed me the 7 foot fences that she went over to get out. I did notice that none of the dog runs where the Wolves (17 total) are kept have any tops on them. This does concern me.

Coleburn was told that he will have to pay for the damage done to my vehicle and equipment. He said to send him the bill.

Coleburn told us that he did call into the county and advise them that one of his wolves got out. I phoned Skagit County ACO Emily Diaz to see if this was true and ask if it was why my department wasn't notified.

Diaz sent me a copy of the email she had received from dispatch in regards to Deputy Sonnabend responded to a suspicious call and it turned out to be Coleburn looking for his white female German Shepherd mix. So Coleburn did not call this in and also referred to the Wolf as a Shepherd mix. (Attached copy of the email sent to Diaz from Dispatch)

I do feel that Coleburn should be issued a citation for this Wolf escaping, which according to the City of Anacortes exotic animal law 6.38.090 (A) an exotic animal shall not be allowed to run at large. And whoever violates this section shall be guilty of a crime.

I have emailed the City of Anacortes Prosecutor, Craig Cammock for advice as to what charges should be brought up for Coleburn.

OFFICER M PADOVAN D39 #0011///med

Tue Feb 14 13:38:41 PST 2012

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

2753
Page: 10

Incident #: 12-A00903

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

Page: 2753
11

Incident #: 12-A00903

SUPPLEMENTAL NARRATIVE:

Name: DODGE M Date: 11:09:40 01/29/13

OFFICER M PADOVAN 01-29-13 12-A00903/ANIMAL PROBLEM

FOLLOW UP

I discovered recently that a citation was never issued in the case.

Therefore I have issued Mr. Coleburn non-traffic infraction AI0018471 for his wolf running loose in the City of Anacortes forest lands 02-09-12.

I also do not see where Coleburn was given a bill in regards to the City of Anacortes Animal Control truck being damaged by his Wolf.

In speaking with the City Shop the cost to repair this truck was \$242.69.

I request that this infraction be referred to City Prosecutor Craig Cammock.

OFFICER M PADOVAN D39 #0011///med

Tue Jan 29 11:11:24 PST 2013

01/17/14
12:51

ANACORTES POLICE DEPT
Detail Incident Report

2753
Page: 12

Incident #: 12-A00903

SUPPLEMENTAL NARRATIVE:

Name: DODGE M Date: 11:52:33 02/21/13

OFFICER M PADOVAN 02-20-13 12-A00903 ANIMAL PROBLEM

FOLLOW UP

I had issued Non-traffic citation AI0018471 to Mr. Coleburn for his exotic animal running loose in the Forest Lands.

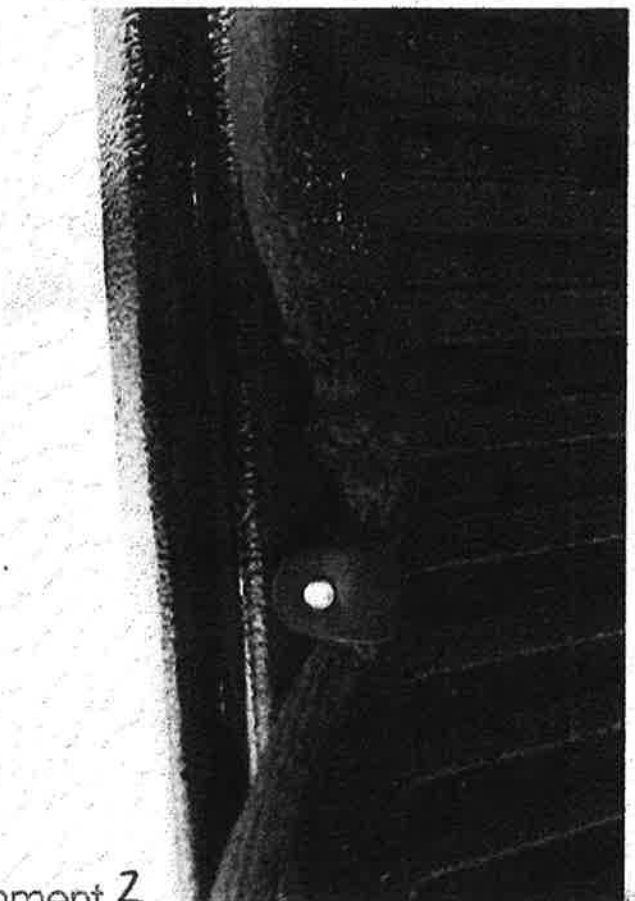
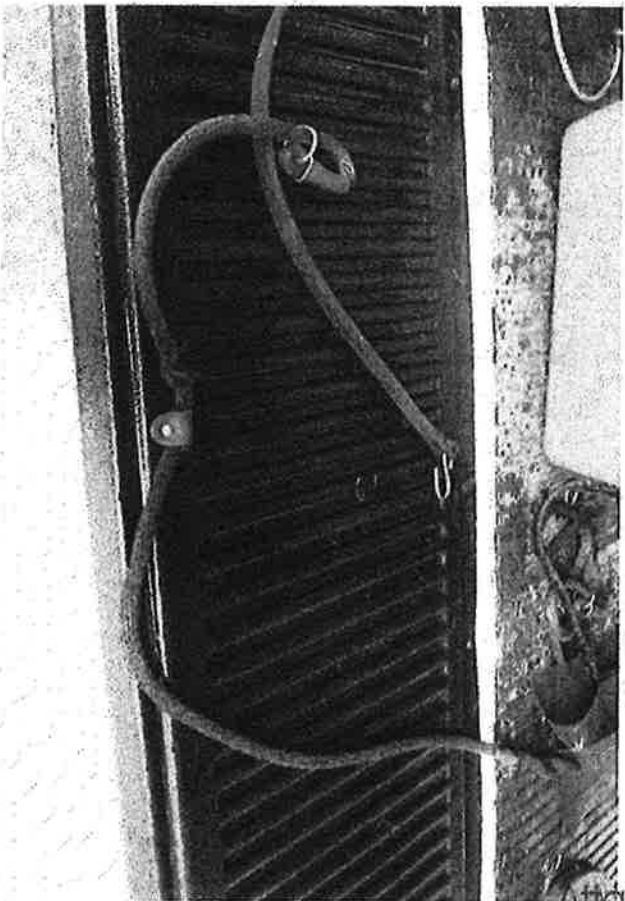
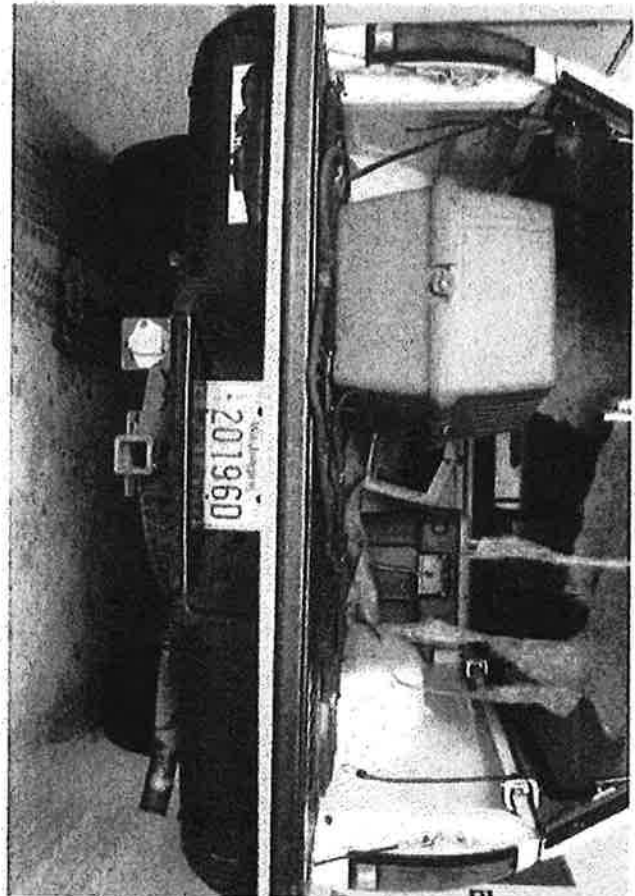
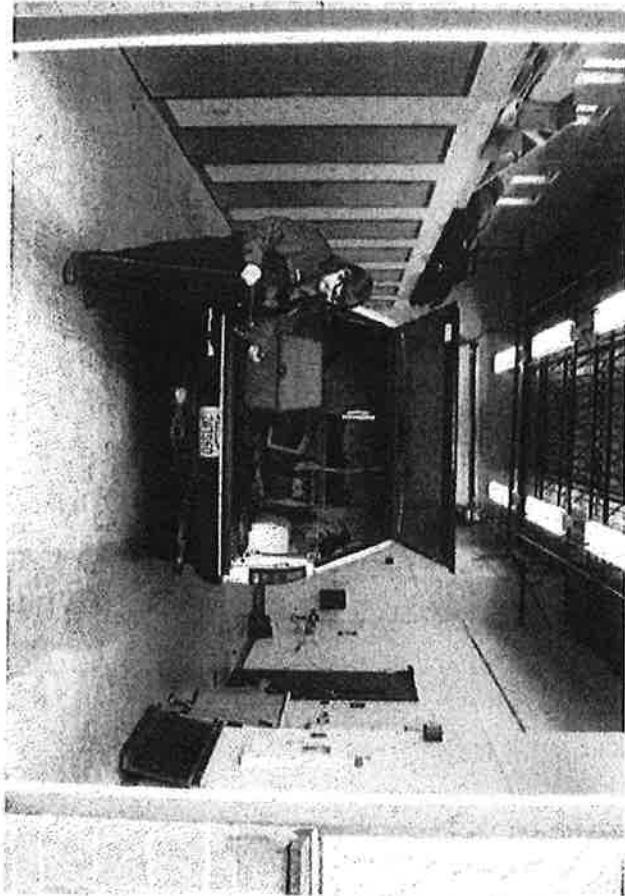
I was advised by City of Anacortes Prosecutor, Craig Cammock that this is a criminal offense and that I was to issue a Criminal citation.

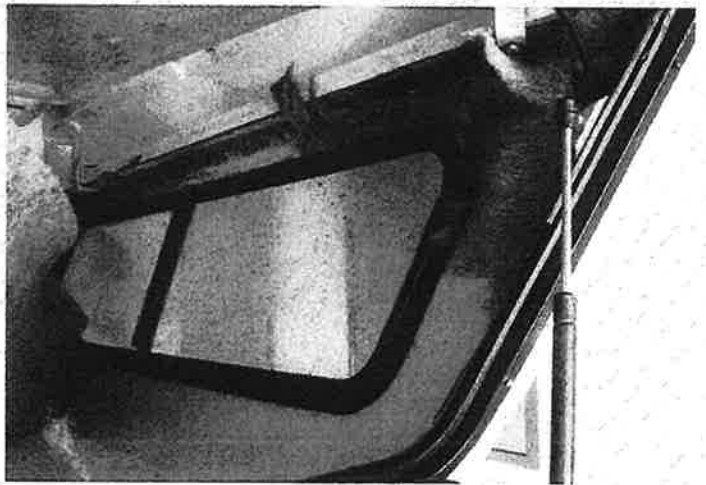
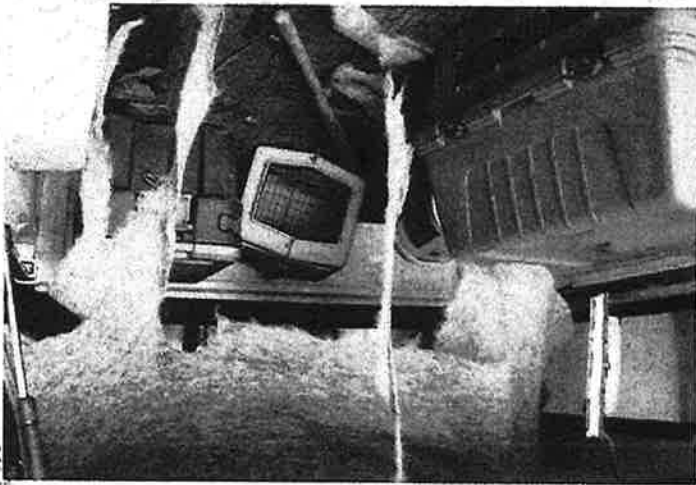
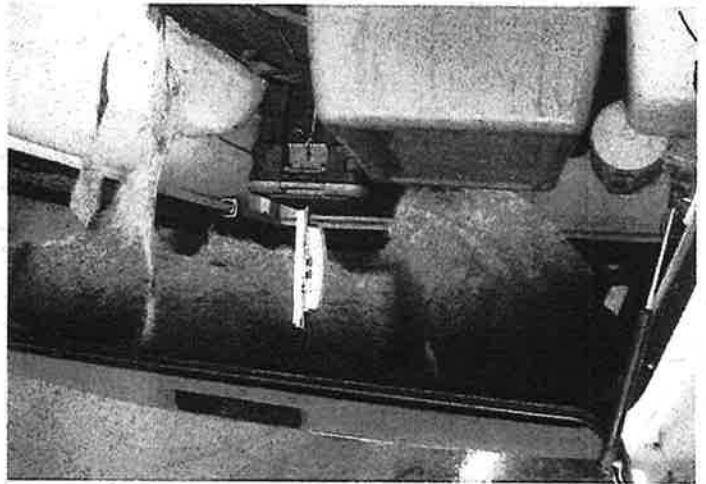
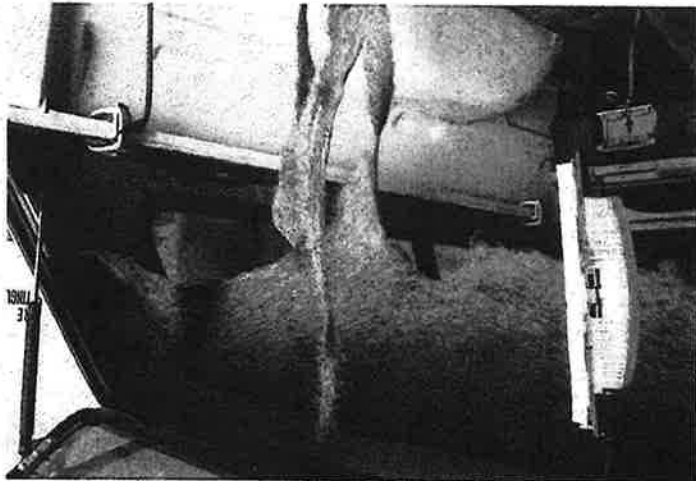
I have issued Criminal non-traffic citation AC0014383 to Coleburn with a mandatory court appearance which will be referred to the Prosecutor.

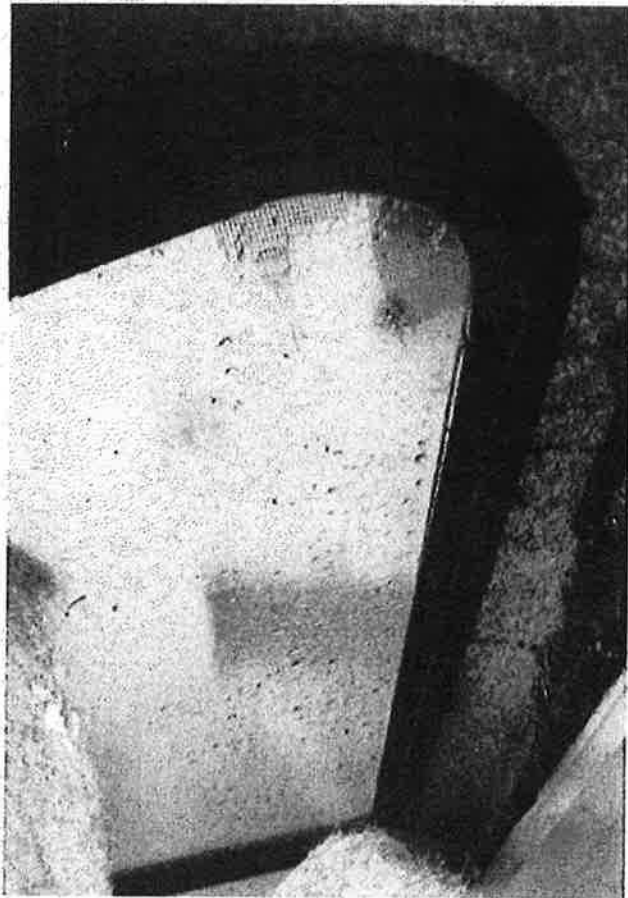
I have requested that records Supervisor, Christine O'Leary void out the non-traffic citation which I had issued to Coleburn.

OFFICER M PADOVAN D39 #0011///med

Thu Feb 21 11:52:44 PST 2013







CERTIFICATION FOR PROBABLE CAUSE

AGENCY:	Anacortes Police Department	DATE:	02-20-13
CASE NO.:	12-A00903	OFFICER	M. Padovan
ARRESTEE:	William Coleburn	DOB	03-14-56
ALIAS:		SID:	
ADDRESS:	6128 Parkside Dr	Phone	

I, M. Padovan, am a law enforcement officer with the Anacortes Police Department. Based upon the following narrative, there is probable cause to believe the person arrested and named above has committed the following crime(s): Allowing Exotic Animal to Escape and run loose in the Anacortes Forest Lands trial 304

On 02-09-12, I received a complaint of dog running loose in the forest lands on trial 304. I did walk this trial and found a white wolf running loose. I had tracked this dog with my dog "Ryder" which was on leash. I had to call for another Officer as I realized that this was a wolf. That I was dealing with.

We were able to get a leash on this animal and it followed my dog out of the woods. Once out of the woods we put another leash on this animal and it went wild and then it took 3 Officers to get it in the back of the ACO vehicle. While in the back of ACO vehicle this animal tore the canopy apart and destroyed the interior as well as leashes and wiring for this vehicle..

I took this animal to pound but DR. Anderson would not take it do to it being a wolf and he said to contact Coleburn as this looked like one of his. I did do this and Mr. Coleburn did meet us Officers behind the pound and said that this was one of his and that it had gotten out the night before. Coleburn asked if I could take this animal out to his compound as he did not want his vehicle torn up. I did do this and released this animal to Coleburn.

I CERTIFY, under penalty of perjury, of the laws of the State of Washington that the foregoing is true and correct. Signed and dated this 20th day of February, 2013, at Anacortes, Washington.

M. Padovan D39
(Signature)

02/20/13
Date

EXHIBIT D

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2015 APR -9 PM 1:39

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

IN THE SUPERIOR COURT
FOR SKAGIT COUNTY, WASHINGTON

15 2 00509 2

SKAGIT COUNTY, a municipal corporation
of the State of Washington,

Plaintiff,

vs.

WILLIAM COLEBURN, DENISE
COLEBURN, husband and wife, and
PREDATORS OF THE HEART, a
Washington non-profit Corporation,

Defendants.

NO.

COMPLAINT FOR INJUNCTIVE RELIEF,
TO ABATE A NUISANCE, AND TO
IMPOSE A CIVIL PENALTY

COMES NOW the plaintiff, Skagit County, and for its causes of action alleges as follows:

I. JURISDICTION AND VENUE

1.1. This is an action for injunctive relief, to abate a nuisance, and to impose a civil penalty. The court has jurisdiction over this action under RCW 2.08.010, SCC 7.04.060(2), and RCW 16.30.060.

Complaint for Injunctive Relief, to
Abate a Nuisance, and to
Impose a Civil Penalty

PROSECUTING ATTORNEY
OF SKAGIT COUNTY
605 South Third Street
Mt. Vernon, Washington 98273
360-336-9460

ORIGINAL

8

1 1.2. Venue of this action is proper in this court under RCW 4.12.010 and RCW
2 4.12.020 as this action involves activities on real property located in Skagit County, Washington,
3 by persons acting within Skagit County.
4

5 II. PARTIES

6 2.1. Plaintiff Skagit County is now and at all times herein mentioned a duly organized
7 and existing county and political subdivision of the State of Washington.

8 2.2. William Coleburn and Denise Coleburn, husband and wife, reside at 6128 Park
9 Side Drive, Anacortes, Washington.

10 2.3. Predators of the Heart is a Washington nonprofit corporation, UBI number
11 601916640, which maintains a facility at 4709 Welch Lane, Anacortes, Washington.

12 III. BACKGROUND FACTS

13 3.1. William Coleburn is the registered agent and president for Predators of the Heart.

14 3.2. Denise Coleburn is the secretary for Predators of the Heart.

15 3.3. William and Denise Coleburn are the owners of real property at 4709 Welch
16 Lane, parcel number P128398, on Fidalgo Island adjacent to the City of Anacortes (hereinafter
17 the "Property").

18 3.4. Predators of the Heart maintains a facility on the Property.

19 3.5. Predators of the Heart and/or William Coleburn possess or control one or more of
20 the following wild animals on the Property:

- 21 (a) American alligator,
- 22 (b) wild bred cougar,
- 23 (c) captive bred cougar,
- 24 (d) wolf,
- 25 (e) wolf hybrid,
- 26 (f) Arctic fox,
- 27 (g) king cobra (family Elapidae),
- 28 (h) copperheads (family Viperidae),
- 29 (i) cottonmouths (family Viperidae),
- 30 (j) green mamba (family Elapidae),

1 (k) Black-neck Spitting Cobra (family Elapidae),

2 (l) Diamondback rattlesnakes (family Viperidae),

3 3.6. Predators of the Heart entertains at churches, schools, fairs, libraries, camps and
4 community and corporate events by presenting a "Wild Animal Show."

5 3.7. William Coleburn acts as the host or emcee at the Wild Animal Show during
6 which he handles and exhibits wild animals.

7 3.8. During the Wild Animal Show animals are kept in cages or containers unless
8 removed for handling.

9 3.9. Predators of the Heart advertises that its Wild Animal Show is a "crowd pleasing
10 program [that] incorporates audio, video, and live exhibits."

11 3.10. Predators of the Heart advertises that the animals featured in its Wild Animal
12 Show includes snakes, wolves, alligators, and mountain lion.

13 3.11. Entco International advertises the Predators of the Heart show as "the largest
14 wildlife show available for corporate events" and that "this may be your last opportunity to see
15 such magnificent wild animals in an up-close encounter."

16 3.12. On or about February 7, 2015, Predators of the Heart and William Coleburn
17 exhibited animals including snakes, wolves and/or wolf hybrids, alligators, and mountain lions
18 during the Arlington-Stillaguamish Eagle Festival at the Eagle Creek Elementary School in
19 Arlington, Washington.

20 3.13. On January 29, 2015, the Skagit County Animal Control Officer, served notice
21 via certified and regular mail addressed to Mr. Coleburn at 6128 Park Side Drive, Anacortes,
22 Washington that possession of animals defined as potentially dangerous wild animals under
23 chapter 7.04 Skagit County Code within the unincorporated area of Skagit County was unlawful.

24 3.14. After receiving the letter dated January 29, 2015, via regular mail, Mr. Coleburn
25 talked to Skagit County Sheriff Will Reichardt about the violation.

26 3.15. Predators of the Heart has accepted additional animals that are classified as
27 potentially dangerous wild animals under RCW 16.30.010(2) since 2007.
28
29
30

1 3.16. Wolf hybrids, also known as wolf dogs, which are classified as potentially
2 dangerous wild animals under SCC 7.04.010 have bred and bore litters of puppies while in
3 possession of Predators of the Heart since 2007.

4 3.17. Predators of the Heart is not an institution authorized by the Washington
5 Department of Fish and Wildlife to hold, possess, and propagate deleterious exotic wildlife
6 pursuant to RCW 77.12.047.

7 3.18. Predators of the Heart is not an institution accredited or certified by the American
8 Zoo and Aquarium Association

9 3.19. Predators of the Heart is not a facility with a current signed memorandum of
10 participation with an Association of Zoos and Aquariums species survival plan.

11 3.20. Predators of the Heart is not a duly incorporated nonprofit animal protection
12 organization, such as a humane society or shelters, housing an animal at the written request of
13 the Skagit County animal control authority.

14 3.21. Predators of the Heart is not an animal control authority.

15 3.22. Predators of the Heart is not a veterinary hospital or clinic.

16 3.23. Predators of the Heart is not a holder of a valid wildlife rehabilitation permit
17 issued by the Washington Department of Fish and Wildlife.

18 3.24. Predators of the Heart is not a wildlife sanctuary as defined under RCW
19 16.30.010(5).

20 3.25. Predators of the Heart is not a research facility as defined by the animal welfare
21 act, 7 U.S.C. 2131, as amended, for the species of animals for which they are registered.

22 3.26. Predators of the Heart is not a circus, defined as an incorporated, class C licensee
23 under the animal welfare act, 7 U.S.C. 2131, as amended, that is temporarily in Washington
24 state, and that offer performances by live animals, clowns, and acrobats for public entertainment.

25 3.27. Predators of the Heart is not a person temporarily transporting and displaying a
26 potentially dangerous wild animal through the state with a transit time of not more than twenty-
27 one days.

28 3.28. Predators of the Heart is not a person possessing domesticated animals or native
29 wildlife subject to Title 77 RCW.
30

1 3.29. Predators of the Heart does not exhibit livestock and agricultural products at fairs
2 approved by the Washington department of agriculture pursuant to chapter 15.76 or 36.37 RCW.

3 3.30. Predators of the Heart does not maintain a game farm meeting the requirements of
4 WAC 232-12-027(1).

5 3.31. Predators of the Heart and William and Denise Coleburn continue to maintain
6 potentially dangerous wild animals on the Property.

7 3.32. As of April 2, 2015, Predators of the Heart and William and Denise Coleburn had
8 20 wolves, 6 cougars, and bobcats at the Property.

9 3.33. On April 2, 2015, Predators of the Heart and William Coleburn held a show in
10 Anacortes where he presented a four foot alligator, a three year old rattlesnake, and a king cobra.

11 3.34. William and Denise Coleburn have also transported to and have possessed, kept,
12 harbored, or had custody or control over potentially dangerous wild animals at their residence in
13 Anacortes, Washington.

14 **IV. FIRST CAUSE OF ACTION – CIVIL PENALTY FOR VIOLATION**
15 **OF RCW 16.30.020**

16 4.1. Skagit County re-alleges and incorporates herein paragraphs 1.1 through 3.34
17 above.

18 4.2. Predators of the Heart maintains wild animals as defined in RCW 16.30.010(2) as
19 potentially dangerous wild animals and which were acquired after July 22, 2007, on the Property.

20 4.3 William Coleburn owns, keeps, possesses, harbors, or has custody or control of
21 potentially dangerous wild animals, as defined in RCW 16.30.010(2), which were acquired after
22 July 22, 2007, on the Property.

23 4.4. Denise Coleburn owns, keeps, possesses, harbors, or has custody or control of
24 potentially dangerous wild animals, as defined in RCW 16.30.010(2), which were acquired after
25 July 22, 2007, on the Property.

26 4.5. Predators of the Heart is liable for a civil penalty of not less than two hundred
27 dollars and not more than two thousand dollars for each animal with respect to which there is a
28 violation of RCW 16.30.020 and for each day the violation has continued.

1 4.6. William Coleburn is liable for a civil penalty of not less than two hundred dollars
2 and not more than two thousand dollars for each animal with respect to which there is a violation
3 of RCW 16.30.020 and for each day the violation has continued.

4 4.7. Denise Coleburn is liable for a civil penalty of not less than two hundred dollars
5 and not more than two thousand dollars for each animal with respect to which there is a violation
6 of RCW 16.30.020 and for each day the violation has continued.

7 **V. SECOND CAUSE OF ACTION – CIVIL PENALTY FOR**
8 **VIOLATION OF SCC 7.04.030**

9 5.1. Skagit County re-alleges and incorporates herein paragraphs 1.1 through 4.7
10 above.

11 5.2. Predators of the Heart has continued to maintain wild animals as defined in SCC
12 7.04.010 as potentially dangerous wild animals on the Property since January 1, 2015.

13 5.3 William Coleburn has continued to own, keep, possess, harbor, or have custody or
14 control of potentially dangerous wild animals, as defined in RCW 16.30.010(2), on the Property
15 since January 1, 2015.

16 5.4. Denise Coleburn owns, keeps, possesses, harbors, or has custody of control of
17 potentially dangerous wild animals, as defined in RCW 16.30.010(2), on the Property since
18 January 1, 2015.

19 5.5. Predators of the Heart is liable for a civil penalty of two thousand dollars for each
20 animal with respect to which there is a violation of SCC 7.04.030 and for each day the violation
21 has continued.

22 5.6. William Coleburn is liable for a civil penalty of two thousand dollars for each
23 animal with respect to which there is a violation of SCC 7.04.030 and for each day the violation
24 has continued.

25 5.7. Denise Coleburn is liable for a civil penalty of two thousand dollars for each
26 animal with respect to which there is a violation of SCC 7.04.030 and for each day the violation
27 has continued.

28 **VI. THIRD CAUSE OF ACTION – INJUNCTIVE RELIEF**

29 6.1. Skagit County re-alleges paragraphs 1.1 through 5.7 above.

1 6.2. Unless a person meets the requirements for an exception listed in RCW
2 16.30.020, the ownership, possession, keeping, harboring, bringing into Skagit County, or having
3 custody or control of any potentially dangerous wild animal within the unincorporated area of
4 Skagit County is a public nuisance. See SCC 7.04.060(1).

5 6.3. Skagit County is entitled to injunctive relief under RCW 7.48.020 to stop
6 defendants from continuing to use the Property to maintain a public nuisance.

7 6.4. Skagit County and the neighborhood, community, and public at large will be
8 irreparably damaged and harmed if an injunction in the form prayed for below is not issued by
9 the court.

10 6.5. Skagit County has no plain, speedy, and adequate remedy at law other than an
11 injunction to stop defendants from continuing the public nuisance.

12 6.6. The use of the Property for the keeping, harboring, or maintaining custody or
13 control of a potentially dangerous wild animal will, unless enjoined, continue to present a public
14 nuisance to the detriment of Skagit County and the public.

15 **VII. FORTH CAUSE OF ACTION – ABATEMENT OF PUBLIC NUISANCE**

16 7.1. Skagit County re-alleges paragraphs 1.1 through 6.6 above.

17 7.2. A violation of SCC 7.04.030 by the ownership, possession, keeping, harboring,
18 bringing into Skagit County, or having custody or control of any potentially dangerous wild
19 animal within the unincorporated area of Skagit County is a public nuisance. See SCC
20 7.04.060(1).

21 7.3. Under RCW 36.32.120 (10), the county may prevent, remove, and abate a public
22 nuisance at the expense of the parties creating, causing, or committing the nuisance, and to levy a
23 special assessment on the land or premises on which the nuisance is situated to defray the cost or
24 to reimburse the county for the cost of abating it and the costs of abatement shall constitute a lien
25 against the property of equal rank with state, county, and municipal taxes.

26 7.4. Because defendants have not removed the potentially dangerous wild animals
27 from Skagit County and should they not do so within a reasonable time, Skagit County should be
28 allowed to go onto the Property and abate the nuisance by seizing the potentially dangerous wild
29 animals and thereafter dispose of them as allowed by law.

1 7.5. Skagit County reserves the right to assert a statutory public nuisance lien for the
2 costs of abatement consistent with all applicable legal authority.

3 **VIII. REQUEST FOR RELIEF**

4 WHEREFORE, Skagit County requests that the court enter judgment against defendants
5 as follows:

6 8.1. Determining that the continued use of the Property to own, possess, keep, harbor,
7 or have custody of control of any potentially dangerous wild animal is a public nuisance that can
8 be permanently enjoined by the court.

9 8.2. Permanently restraining and enjoining defendants from using the Property or any
10 other property in unincorporated Skagit County to own, possess, keep, harbor, or have custody or
11 control of any potentially dangerous wild animal.

12 8.3. Ordering defendants to abate the nuisance by removing all potentially dangerous
13 wild animals from the Property within a reasonable time after judgment, to wit: forty-five days,
14 to a suitable location.

15 8.4. Entering judgment against defendants for accrued civil penalties under either SCC
16 7.04.060(2) in the amount of \$2,000 per day for each violation or RCW 16.30.60 in an amount
17 between \$200 and \$2,000 per day.

18 8.5. Awarding Skagit County its statutory costs and attorney fees incurred in this
19 action.

20 8.6. Awarding Skagit County such other and further relief as may be deemed just and
21 equitable, including, should Predators of the Heart and/or William Coleburn decline to abate the
22 nuisance themselves, an order authorizing Skagit County Animal Control Authority to enter the
23 property and seize any potentially dangerous wild animals.

24 Dated this 9th day of April, 2015.

25 RICHARD A. WEYRICH
26 SKAGIT COUNTY PROSECUTING ATTORNEY

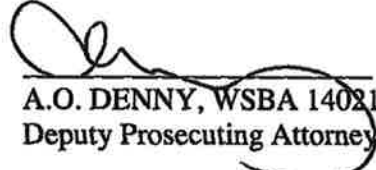
27 By: 
28 A.O. DENNY, WSBA 14021
29 Deputy Prosecuting Attorney
30

EXHIBIT E

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2015 NOV 18 AM 11:26

1
2
3
4
5
6
7
8
9
10 **IN THE SUPERIOR COURT**
11 **FOR SKAGIT COUNTY, WASHINGTON**

12 SKAGIT COUNTY, a municipal corporation
13 of the State of Washington,

14 **Plaintiff,**

15 **vs.**

16 WILLIAM COLEBURN, DENISE
17 COLEBURN, husband and wife, and
18 PREDATORS OF THE HEART, a
19 Washington non-profit Corporation,

20 **Defendants.**

NO. 15-2-00509-2

COUNTY'S MOTION FOR SUMMARY
JUDGMENT TO ENJOIN FURTHER
VIOLATIONS, TO ABATE A PUBLIC
NUISANCE, AND TO IMPOSE A CIVIL
PENALTY

21 COMES NOW Skagit County and moves the court under CR 56 to find that defendants
22 are in violation of RCW 16.30.030 and SCC 7.04.030(2) and to enjoin further violations, abate a
23 public nuisance, and impose a civil penalty.
24

25 **INTRODUCTION**

26 Defendants keep wolves (high content wolf-hybrids), cougars, foxes, alligators, cobras,
27 rattlesnakes, copperheads, and cottonmouths on William and Denise Coleburn's property at 4709
28 Welch Lane, Anacortes, Washington. These animals are defined in RCW 16.30.010(2) as
29
30

Motion for Summary Judgment to
Abate a Nuisance, Enjoin Further
Violations and to Impose a Civil Penalty

1

ORIGINAL

PROSECUTING ATTORNEY
OF SKAGIT COUNTY
605 South Third Street
Mt. Vernon, Washington 98273
360-336-9460

34

1 “potentially dangerous wild animals” and their possession on property located in unincorporated
2 Skagit County is a public nuisance. SCC 7.04.060(1).
3

4 In their Amended Answer, defendants claim that they are a “wildlife sanctuary,” which is
5 an exception to the prohibition on the possession of “potentially dangerous wild animals.”
6 However, defendants do not qualify for the “wildlife sanctuary” exception because they display
7 their animals at churches, schools, fairs, libraries, camps and community and corporate events.
8 Such exhibitions are not inherent in the animal’s nature, natural conduct, or in its natural habitat,
9 the core requirements for a “wildlife sanctuary.” Defendants have demonstrated – by their recent
10 breeding and sale and continued exhibition of its potentially dangerous wild animals and by their
11 abandonment of an application for a special use permit that would allow them to operate an
12 animal sanctuary on the Welch Lane property – that they do not intend to comply with the law
13 and ordinance unless forced to do so.
14
15
16

17 The county seeks to enjoin the defendants’ continuing violations and the imposition of a
18 civil penalty.
19

20 ISSUES

21 Do defendants possess animals defined as potentially dangerous wild animals in
22 unincorporated Skagit County?
23

24 Do defendants’ admissions and breeding, sale, and exhibition of potentially dangerous
25 wild animals establish that they do not meet the requirements for any exception under RCW
26 16.30 and SCC 7.04 that would allow them to keep potentially dangerous wild animals on
27 property in unincorporated Skagit County?
28
29
30

1 If so, should the court enjoin further violations, issue its order directing defendants to
2 abate the public nuisance on their property, and impose civil penalties?
3

4 **FACTS**

5 Defendants and William Coleburn each admit keeping potentially dangerous wild
6 animals on property at 4709 Welch Lane, Anacortes, Washington. Amended Answer at 3.5, 3.32,
7 Transcript of Deposition of William Coleburn (Tr.) *passim*. The property at 4709 Welch Lane
8 (hereinafter "Welch property") is owned by William and Denise Coleburn. Amended Answer at
9 3.3. The Welch property is located in unincorporated Skagit County. Decl. Black.
10

11 William Coleburn is the director of Predators of the Heart. Tr. at 11. When Predators of
12 the Heart has funds, it pays William Coleburn a salary and "rent of a thousand dollars a month."
13 Tr. at 15-16.
14

15 William Coleburn participated in the public hearings for the adoption of the county's
16 potentially dangerous wild animal ordinance in 2014 and received a copy of the ordinance before
17 it was adopted. He agrees with it in part, but disagrees with the lack of an exemption for "USDA
18 licensed people" and the allowance for an exemption for sanctuaries, Tr. at 21-22, which he
19 refers to as "scantuaries." Tr. at 91.
20

21 Defendants keep cobras, copperheads, cottonmouths, rattlesnakes, alligators, cougars, and
22 wolves and/or wolf hybrids in enclosures on the Welch Lane property. Tr. at 7; Amended
23 Answer at para. 3.5, 3.12, 3.31. Cougars and wolves are kept in "chain link enclosures." Tr. at 8.
24 Reptiles are kept in a temperature controlled "semi-truck trailer." Tr. at 9. Defendants had 20
25 wolves and six cougars on April 2, 1015, and 16 wolves and six cougars as of June 10, 2015.
26 Amended Complaint at 3.32. On October 15, 2015, William Coleburn had 17 wolves on the
27
28
29
30

1 Welch facility, Tr. at 25; three foxes, Tr. at 26, 129; and eight alligators, at least five of which he
2 had at the beginning of 2015, Tr. at 76. William Coleburn has the following snakes at the Welch,
3 which he has acquired in the last two years: (1) one cottonmouth, Tr. at 77; (2) two monocled
4 cobras, Tr. at 78; (3) two eastern diamondback rattlesnakes, Tr. at 80; and (4) one canebrake
5 rattlesnake, Tr. at 80. He acquired one of his three western diamondback rattlesnakes three years
6 ago or "maybe longer," Tr. at 80. Two of William Coleburn's cougars were born on the property
7 in about 2010. William Coleburn knew breeding cougars was against the law, but did not try to
8 prevent the pregnancy. Tr. at 161-62,
9

10
11
12 William Coleburn's wolves are "high content" with "some of the best blood lines in the
13 whole country" that he does not want to see end. Tr. at 98. His wolves bore three litters of cubs
14 in April, 2015, producing ten cubs total. Tr. at 82. Six went to zoos. Others went to "a friend in
15 Chicago and a friend in Ohio." Tr. at 82-83. The friend in Chicago paid \$1,500 for a cub that he
16 will include in programs like the ones William Coleburn conducts. Tr. at 82-83. The friend in
17 Ohio is "broke and destitute" and will sell the wolf to a good home. Tr. at 84.
18
19

20 William Coleburn has also sold or donated wolves to Mace Loftus and a person named
21 Scott who resell the wolves. Tr. at 85-86. William Coleburn's wolves are used in zoos, in
22 different countries, and "movie people use them" Tr. at 87. William Coleburn recently gave two
23 wolves to a place in Canada and sold two white wolves to the White Wolf Sanctuary in Oregon
24 for \$6,000. Tr. at 72-73.
25
26

27 William Coleburn keeps his venomous copperheads, cottonmouths, cobras, and
28 rattlesnakes in a trailer on the Welch Lane property. The snakes are housed in wood cages with
29 glass fronts that measure two by three feet in size. Tr. at 144. When they need to be transported,
30

1 they are places in "veterinarian cages that are made out of fiberglass with aluminum bars." Tr. at
2 51. However, when they are taken to shows, they placed in "totes that are real heavy-duty plastic
3 with a locking lid." Tr. at 148. William Coleburn's green mamba died after a tote's lid was
4 slammed on it. Tr. at 53-54. William Coleburn allowed it to linger for "a couple days" before he
5 "finally figured out that it wasn't going to make it." Tr. at 54.
6
7

8 In 2015, William Coleburn took potentially dangerous wild animals, including a cougar,
9 wolves, and snakes, to the Montana Sportsman's Exposition in Kalispell where he
10 "did three programs a day, and the expo lasted a couple days, I think, two or three days." Tr. at
11 44. He has made this trip three times in prior years, stopping at several expositions, "in Butte and
12 Missoula, and Kalispell" for separate shows. Such trips lasted three weeks. Tr. at 43, 45.
13
14

15 A Freightliner truck is used to transport wolves and cougars to shows. A van is used
16 when a show just involves smaller animals. Tr. at 68. Preparation for a typical show involves
17 loading the display animals into cages in the Freightliner truck the day before transportation to
18 the event. Tr. at 46. The animals are left in the cages overnight and before they are driven to the
19 show. Tr. at 47. The travel cages are "[r]eally, really, heavy duty." Tr. at 30. Some trips take
20 several days to complete. For example, travel to Montana takes two days, with a stop and show
21 in Spokane, and arrival on the day before the show. Tr. at 47-49. Animals are left in their cages
22 overnight at the destination. A wheeled "transport cage" is used to cougars from their transport
23 cage to a holding cage on the stage where the animals are held until moved into a display cage
24 for public view. Tr. at 50-51. Wolves are led from the truck to the cages on the stage by leash,
25 Tr. at 51. To ensure the public's safety, cougars are not allowed out of a cage. Tr. at 30. Getting a
26 cougar onto the stage involves moving it through three cages. Tr. at 114. William Coleburn looks
27
28
29
30

1 for at least a five foot and preferably a 15-foot barrier between the cages and the audience. Tr. at
2 30.
3

4 William Coleburn hosts the shows with assistance from a part-time employee or
5 volunteer. He uses a microphone and speakers to project his voice to the audience. If William
6 Coleburn does not use the venue's equipment, he uses "a portable sound system that can do, like,
7 a thousand people," Tr. at 63, and projectors and two screens. Tr. at 64.
8

9 William Coleburn exhibited two wolves, one cougar, two cobras, four rattlesnakes, and
10 two alligators at the Lynden fair on August 20, 2015. Tr. at 81. He displayed his wolves,
11 mountain lion, snakes and alligators on February 7, 2015, during the Arlington-Stillaguamish
12 Eagle Festival at the Eagle Creek Elementary School in Arlington, Washington. Amended
13 Answer at 3.12. He exhibited an alligator, a rattlesnake, and a king cobra at a show in Anacortes
14 on April 2, 2015. Amended Answer at 3.33.
15
16

17 A usual show involves holding and positioning a cottonmouth so that it will bite his shoe.
18 Tr. at 55, 56. However, William Coleburn tries to not over handle the snakes because that
19 reduces their value in the show. Tr. at 59. Over handling will cause cobras to stop striking and
20 rattlesnakes will "become so tame that it won't rattle anymore. It won't even strike anymore."
21 Tr. at 57. His copperhead is tame from handling: "you can just pick him up with your hand and
22 you're not going to get bit." TR. at 60.
23
24

25 William Coleburn takes his animals to "birthday parties, churches, schools, fairs,
26 libraries, camps, community events, and corporate events." Tr. at 19, Amended Answer at 3.6.
27 He also holds shows on the Welch property, but "it's not an every-week deal." Tr. at 116. He
28
29
30

1 held a birthday party on the Welch property "two months or so ago," before October 15, 2015.
2 Tr. at 118-120.
3

4 William Colburn has booked his animals for a show in February 2016 at a sportsman's
5 exposition in the Tri Cities area. Tr. at 44. William Coleburn and/or Predators of the Heart will
6 receive \$5,000 for holding three one-hour shows a day for each of three days at this event. Tr. at
7 62. He has shows booked between October 15, 2015, and the 2016 sportsman's exhibition in the
8 Tri Cities, including "an event for a church on Halloween." Tr. at 69.
9

10 Several animals, including a bobcat, Tr. at 28; foxes, Tr. at 32; and wolves, Tr. at 33;
11 have escaped from the Welch property. *Also see* Decl. Hettich, Decl. Welch, Decl. Padovan. The
12 bobcat bit and scratched William Coleburn, drawing blood, when he captured it following its last
13 escape. Tr. at 126.
14
15

16 William Coleburn's cougars have not been declawed. Tr. at 127. If a cougar escaped or
17 injured someone, "we would be totally done." Tr. at 38. William Coleburn would "be very
18 concerned about children and any large animal, dog or cat." Tr. at 39. However, depending on
19 the circumstances, he would allow people to be in a cage or otherwise associate with young
20 wolves. Tr. at 107. One wolf, which had escaped and was caught by the Anacortes Animal
21 Control officer Marie Padovan, "ate up her vehicle." Tr. at 33, Decl. Padovan.
22
23

24 While not actively seeking contracts to exhibit his animals, "if something big came up,
25 and – that – that the possibility would be that we would do it[.]" Tr. 70. In response to the
26 question if he believes that "taking the animals out of their natural environment and putting them
27 in cages at shows with electronics and people watching and using sticks to get snakes to bite
28 allows you to be a sanctuary," William Coleburn answered, "Yes." Tr. at 100-01.
29
30

1 William Coleburn's practice of dumping uneaten meat on his property has increased the
2 presence of rats and other scavengers, including crows, ravens, turkey buzzards, and eagles in the
3 neighborhood. Neighbors have found pieces of raw meat and processed lunchmeats lying around
4 the neighborhood and have seen it falling from the sky, from the beaks of smaller birds. Decl.
5 Hettich, Knutsen, Welch, Borlin. The noises from the wolves, cougars, and scavenging birds are
6 neighborhood irritants. Decl. Hettich, Knutsen, Welch.
7

8
9 William Coleburn admits he was not in compliance with the county's potentially
10 dangerous wild animal ordinance when it was enacted or on January 1, 2015. Tr. at. 100.
11

12 ANALYSIS

13 Defendants admit to possession potentially dangerous wild animals in unincorporated
14 Skagit County. Thus, the only issue before the court, which is necessarily framed by the
15 defendants' amended answer and William Coleburn's admissions, is whether any exception to
16 the prohibitory sections applies. Defendants claim that one applies – that they are a wildlife
17 sanctuary. However, the defendants' practices prevent them from meeting the statutory definition
18 of a wildlife sanctuary.
19
20

21 A. Standard of review and burden of proof.

22 Summary judgment is appropriate where “the pleadings, affidavits, and depositions
23 establish that there is no genuine issue of material fact and that the moving party is entitled to
24 judgment as a matter of law.” CR 56; *Jones v. Allstate Ins. Co.*, 146 Wn.2d 291, 300-01, 45 P.3d
25 1068 (2002). “A material fact is one upon which the outcome of the litigation depends.”
26 *Clements v. Travelers Indem. Co.*, 121 Wn.2d 243, 249, 850 P.2d 1298 (1993).
27
28
29
30

1 Questions of law are appropriately decided on summary judgment. *Estate of Sturgill v.*
2 *United Servs. Auto. Ass'n*, 84 Wn. App. 877, 880, 930 P.2d 945 (1997). Factual issues may also
3 be decided as a matter of law when reasonable minds could reach but one conclusion and when
4 the factual dispute is so remote it is not material. *Ruffer v. St. Frances Cabrini Hosp.*, 56 Wn.
5 App. 625, 628, 784 P.2d 1288, *review denied*, 114 Wn.2d 1023, 792 P.2d 535 (1990). *Also see*
6 *Hiatt v. Walker Chevrolet Co.*, 120 Wn.2d 57, 65-66, 837 P.2d 618 (1992); *Dowler v. Clover*
7 *Park Sch. Dist. No. 400*, 172 Wn.2d 471, 484, 258 P.3d 676 (2011) (“where reasonable minds
8 could reach but one conclusion from the admissible facts in evidence, summary judgment is
9 appropriate.”)

10
11
12
13 The initial burden is on the moving party to show there is no issue of material fact. *Young*
14 *v. Key Pharm., Inc.*, 112 Wn.2d 216, 225, 770 P.2d 182 (1989). If the moving party meets this
15 initial burden, then “[t]he nonmoving party must set forth specific facts showing a genuine issue
16 and cannot rest on mere allegations.” *Baldwin v. Sisters of Providence in Wash., Inc.*, 112 Wn.2d
17 127, 132, 769 P.2d 298 (1989); CR 56(e). A “scintilla” of evidence, evidence that is “merely
18 colorable,” or evidence that “is not significantly probative,” will not defeat the motion. *Herron v.*
19 *Tribune Publ'g Co.*, 108 Wn.2d 162, 170, 736 P.2d 249 (1987).

20
21
22 RCW 16.30 and SCC 7.04 are remedial. The state legislature adopted chapter 16.30
23 RCW “to protect the public against the serious health and safety risks that dangerous wild
24 animals pose to the community.” *See* RCW 16.30.005. The county amended SCC 7.04 “to
25 regulate the possession of all potentially dangerous wild animals, wherever acquired, to protect
26 the health safety, and welfare of the community and the animals[.]” Skagit County Ordinance no.
27
28 O20140001. The county’s purpose is:
29
30

1 . . . to encourage, secure and enforce those animal control measures
2 deemed desirable and necessary for the protection of the health,
3 safety and welfare of the residents and animals of Skagit County, to
4 minimize the exposure of citizens to the harmful nuisance,
5 physiological, and psychological effects of excessive noise, and to
6 prevent injury to property and cruelty to animals. To this end, this
7 Title regulates animal behavior and provides standards for the use,
8 care, management, and treatment of animals.

9 SCC 7.01.010. Further emphasizing the remedial nature of RCW 16.30 and SCC 7.04, neither
10 makes possession of a potentially dangerous wild animal a crime¹ and only civil penalties are
11 allowed to be imposed.

12 A legislature's designation of a penalty as civil is entitled to
13 considerable deference and that designation will not be overborne
14 unless the statute, considered on its face and without reference to the
15 level of sanction imposed in the particular case, is clearly so
16 punitive as to render it criminal despite the legislature's intent to the
17 contrary. The Court in *Hudson* stated that only the clearest proof of
18 its punitive character will suffice to override legislative intent and
19 transform a sanction labeled civil into one that is criminal.

20 *Winchester v. Stein*, 135 Wn.2d 835, 852-853, 959 P.2d 1077 (1998). In addition, the county
21 code makes possession of a potentially dangerous wild animal a public nuisance that may be
22 abated. SCC 7.04.060.

23 Thus, this is a civil matter and the county's burden of proof is a preponderance of the
24 evidence.

25 **B. Defendants possession of "potentially dangerous wild animals" violates RCW
26 16.30.030 and SCC 7.04.030.**

27 Under state law, "[a] person shall not own, possess, keep, harbor, bring into the state, or
28 have custody or control of a potentially dangerous wild animal," unless (1) the person was in

29 ¹ Cf *State v. Conte*, 159 Wn.2d 797, 821, 154 P.3d 194 (2007) ("Unlike civil statutes, which are
30 considered remedial, criminal statutes are generally associated with punitive consequences.")

1 legal possession of the animal prior to July 22, 2007, and can establish legal possession through
2 veterinary records, acquisition papers, or other documents or records; or (2) the person qualifies
3 for one of the exceptions listed in RCW 16.30.030.
4

5 The Skagit County Code adopts the prohibitions under RCW 16.30.030 and all of the
6 exceptions listed under RCW 16.30.020, but added animals to the definition of "potentially
7 dangerous wild animals" and deleted the exemption for "potentially dangerous wild animals"
8 owned prior to July 22, 2007.² SCC 7.04.010(1), .020, .030.
9

10
11 **1. Defendants possess potentially dangerous wild animals in
12 unincorporated Skagit County.**

13 Defendants and/or William Coleburn admit that they possess and maintain the following
14 animals, which are defined as "potentially dangerous wild animals," on their property at Welch
15 Lane in unincorporated Skagit County:

16 (a) captive-bred cougar;	6
17 (b) wolf-hybrid ³	17 (violation of SCC 7.04.030 if hybrids) 18 (violation of RCW/SCC if wolves)
19 (c) fox	2 (violation of SCC 7.04.030)
20 (d) monacled cobra	2
21 (e) rattlesnake	5
22 (f) cottonmouth	1
23 (g) copperhead	1

24
25
26 ² Article XI, section 11 of the Washington Constitution and RCW 16.30.050 authorize the county
to adopt a more restrictive ordinance.

27 ³ William Coleburn testified "that there are probably no real wolves left on the whole northern
28 continent" and "[i]f I were to have all my animals DNA's they would not come back as wolves,"
29 Tr. at 24; however, he elaborated, "these have actually not been bred pure wolves because
30 they're, like, probably 30 generations or more old," Tr. at 133, and agreed that his use of the
word "wolf" or "wolves" refers "to anything that's got any part of wolf in it." Tr. at 25.

1 (h) alligator

8

2
3 **2. Defendants do not qualify for any exception that would allow them to**
4 **possess potential dangerous wild animals in Skagit County.**

5 RCW 16.30.020, which the county code incorporates by reference, provides for several
6 exceptions that would allow a person to possess a potentially dangerous wild animal.⁴ In their
7 Amended Answer, defendants admit that they do not meet the requirements for any exception
8
9

10 ⁴ RCW 16.30.020 provides, in part:

11 (1) The provisions of this chapter do not apply to:

12 (a) Institutions authorized by the Washington department of fish and wildlife to hold,
13 possess, and propagate deleterious exotic wildlife pursuant to RCW 77.12.047;

14 (b) Institutions accredited or certified by the American zoo and aquarium association or a
15 facility with a current signed memorandum of participation with an association of zoos
16 and aquariums species survival plan;

17 (c) Duly incorporated nonprofit animal protection organizations, such as humane
18 societies and shelters, housing an animal at the written request of the animal control
19 authority or acting under the authority of this chapter;

20 (d) Animal control authority, law enforcement officers, or county sheriffs acting under
21 the authority of this chapter;

22 (e) Veterinary hospitals or clinics;

23 (f) A holder of a valid wildlife rehabilitation permit issued by the Washington department
24 of fish and wildlife;

25 (g) Any wildlife sanctuary as defined under RCW 16.30.010(5);

26 (h) A research facility as defined by the animal welfare act, 7 U.S.C.A. 2131, as
27 amended, for the species of animals for which they are registered. This includes but is not
28 limited to universities, colleges, and laboratories holding a valid class R license under the
29 animal welfare act;

30 (i) Circuses, defined as incorporated, class C licensees under the animal welfare act, 7
U.S.C.A. 2131, as amended, that are temporarily in this state, and that offer performances
by live animals, clowns, and acrobats for public entertainment;

(j) A person temporarily transporting and displaying a potentially dangerous wild animal
through the state if the transit time is not more than twenty-one days and the animal is at
all times maintained within a confinement sufficient to prevent the animal from escaping;

(k) Domesticated animals subject to this title or native wildlife subject to Title 77 RCW;

(l) A person displaying animals at a fair approved by the Washington department of
agriculture pursuant to chapter 15.76 or 36.37 RCW; and

(m) A game farm meeting the requirements of WAC 232-12-027(1).

1 other than the exception for a "wildlife sanctuary." Amended Answer at para. 3.18 to 3.31. See
2
3 RCW 16.30.020(1)(g).

4 However, defendants do not qualify as a "wildlife sanctuary." A wildlife sanctuary is:

5 . . . a nonprofit organization, as described in RCW 84.36.800, that
6 cares for animals defined as potentially dangerous and:

7 (a) No activity that is not inherent to the animal's nature, natural
8 conduct, or the animal in its natural habitat is conducted;

9 (b) No commercial activity involving an animal occurs including,
10 but not limited to, the sale of or trade in animals, animal parts,
11 animal by-products, or animal offspring, or the sale of photographic
12 opportunities involving an animal, or the use of an animal for any
13 type of entertainment purpose;

14 (c) No unescorted public visitations or direct contact between the
15 public and an animal; or

16 (d) No breeding of animals occurs in the facility.

17 RCW 16.30.010(5).

18 To determine the meaning of "natural habitat" and "natural conduct," which are not
19 defined in the statute, the court may look to their ordinary dictionary definitions. See *Skagit*
20 *County Pub. Hosp. Dist. No. 1 v. Dep't of Revenue*, 158 Wn. App. 426, 437, 242 P.3d 909
21 (2010). "Natural" means "existing in nature and not made or caused by people : coming from
22 nature." <http://www.merriam-webster.com/dictionary/natural>. "Habitat" means "the place or
23 environment where a plant or animal naturally or normally lives and grows."
24 <http://www.merriam-webster.com/dictionary/habitat>.

25 Defendants do not operate a wildlife sanctuary because they conduct activities that are
26 not inherent to the animal's nature, natural conduct, or natural habitat and they engage in
27
28
29
30

1 commercial activities⁵ including the breeding and sale of offspring and the display of caged
2 animals on stages or in auditoriums. Trucking caged animals to fairs, parties, trade shows,
3 churches, etc. to be displayed on stages and in auditoriums and similar manmade environments,
4 with the use of lights and electronics, including microphones and amplifiers is not a part of the
5 animals' natural habitat. Nor, given that most of the defendants' predators are naturally shy and
6 usually avoid being seen by humans, is being displayed in a cage or on the end of a stick and
7 being tempted to bite a boot a part of their nature or natural conduct. *See Decl. Hebner, Becker,*
8 *Anderson; Tr. at 82, passim.*

9
10
11
12 **C. Defendants' possession of potentially dangerous wild animals in unincorporated**
13 **Skagit County when no exception applies warrants injunctive relief including an order of**
14 **abatement.**

15 Injunctive relief is available for violations which are declared by ordinance to be
16 nuisances. *City of Mercer Island v. Steinmann*, 9 Wn. App. 479, 485, 513 P.2d 80 (1973) (Court
17 reversed superior court's refusal to enjoin violation of city zoning code holding "use of property
18 contrary to the ordinance is a public nuisance which the city may abate by an action in the
19 superior court.") The superior court may grant an injunction when a plaintiff establishes (1) he
20 has a clear legal or equitable right; (2) he has a well-grounded fear of immediate invasion of that
21 right by the entity against which he seeks the injunction; and (3) the defendants' acts present a
22 reasonable fear of harm. RCW 7.40.010; *Tyler Pipe Indus. v. Dep't of Revenue*, 96 Wn.2d 785,
23
24
25

26
27 ⁵ Although *Predators of the Heart* is a non-profit corporation, its display of animals at fairs,
28 churches, trade shows, birthday parties, etc. for a fee is a commercial activity. *See Shoreline v.*
29 *Club for Free Speech*, 109 Wn. App. 696, 703, 36 P.3d 1058 (2001) ("CFFSR--which sells
30 memberships and nonalcoholic drinks, operates in a location that is zoned commercial, and has
members who pay adult entertainers for performances--is operating a commercial premises,
notwithstanding its status as a nonprofit corporation")

1 792, 638 P.2d 1213 (1982); *Kitsap County v. Kitsap Rifle & Revolver Club*, 184 Wn. App. 252,
2
3 284, 337 P.3d 328 (2014).⁶

4 **1. The county has a clear legal or equitable right to an injunction**
5 **because defendants' possession of potentially dangerous wild animals**
6 **in unincorporated Skagit County is a nuisance that warrants**
7 **abatement.**

8 Skagit County, like all Washington cities and counties, has broad constitutional and
9 statutory authority to legislate for the benefit of the public health, safety, and welfare. Const. art.
10 XI, § 11 ("Any county, city, town or township may make and enforce within its limits all such
11 local police, sanitary and other regulations that are not in conflict with general laws.") This broad
12 regulatory authority is characterized as:

13 . . . a direct delegation of the police power as ample within its limits as
14 that possessed by the legislature itself. It requires no legislative sanction
15 for its exercise so long as the subject-matter is local, and the regulation
16 reasonable and consistent with the general laws.

17 *Hass v. Kirkland*, 78 Wn.2d 929, 932, 481 P.2d 9 (1971). In addition to being authorized under
18 RCW 16.30.050 to enact a more restrictive ordinance, regulating potentially dangerous wild
19 animals is a permissible exercise of the county's police power. *See State ex rel. Davis-Smith Co.*
20 *v. Clausen*, 65 Wash. 156, 201-202, 117 P. 1101 (1911) ("It is the duty of the state to protect
21 every citizen in his life, liberty, and property; and it certainly is within the competency of the
22 legislature to exercise the police power of the state to protect all property against the ravages of
23 destructive animals.") *quoting with approval McGlone v. Womack*, 129 Ky. 274, 111 S.W. 688
24
25
26
27

28 ⁶ The third element in *Tyler Pipe* is "the acts about which he complains are either resulting or
29 will result in actual and substantial injury to him." As discussed below, because defendants' acts
30 constitute a public nuisance, *Kitsap Rifle & Revolver Club* provides the applicable third element.

1 (1908); *Ramm v. Seattle*, 66 Wn. App. 15, 20, 830 P.2d 395 (1992) (“The ownership of dogs and
2 cats is generally subject to regulation under a municipality's police power.”)
3

4 County commissioners also “[h]ave power to declare by ordinance what shall be deemed
5 a nuisance within the county[.]” RCW 36.32.120(10). A nuisance is “whatever is injurious to
6 health . . . , so as to essentially interfere with the comfortable enjoyment of the life and
7 property.” RCW 7.48.010. A “public nuisance is one which affects equally the rights of an entire
8 community or neighborhood, although the extent of the damage may be unequal.” RCW
9 7.48.130.
10
11

12 Nuisances that affect equally the rights of an entire community include continuing to use
13 a place for any “trade, employment, or manufacture, which. . . is offensive or dangerous to the
14 health of individuals or of the public.” RCW 7.48.140(7). Public nuisances arise from actions
15 that affect the safety of the neighborhood. *See Kitsap County v. Kitsap Rifle & Revolver Club*,
16 184 Wn. App. 252, 265, 337 P.3d 328 (2014) (use of explosives and high-powered ammunition
17 presents safety hazard to neighbors of gun range); *Matheson v. City of Hoquiam*, 170 Wn. App.
18 811, 822-823, 287 P.3d 619 (2012) (Derelict vessel is a public nuisance and a safety hazard).
19
20

21 In enacting SCC 7.04, the county commissioners made the following findings of fact:
22

23 A. The animals to be regulated by the proposed ordinance are
24 inherently dangerous, as they are not normally domesticated and
25 pose unique threats to human life due to their physical and
26 temperamental characteristics, including their strength, speed, and
27 unpredictability.

28 B. According to the US Department of Agriculture, wolf hybrids,
29 often larger in size than either the wolf or dog from which they were
30 bred, have been the source of a number of attacks on people –
mostly children – that have resulted in severe injuries and several
deaths. Many states prohibit or regulate possession of wolves and
wolf hybrids.

1
2 ...

3 F. The regulated animals are unsuitable for rearing and handling in a
4 home by non-professionals.

5 G. The Humane Society of the United States has taken the position
6 that "dangerous wild animals should be kept in captivity by
7 professionally run accredited zoological facilities and sanctuaries
8 that have the resources and know how to meet the complex needs of
9 the animals."

10 H. The proposed ordinance would reasonably regulate the
11 possession of potentially dangerous wild animals by restricting them
12 to the exempt facilities specified in RCW 16.30.020, such as
13 accredited zoos and wildlife sanctuaries.

14 I. A zoo or wildlife sanctuary may qualify under the definition of
15 "animal preserve," which the County's zoning code allows by
16 Hearing Examiner special use permit in some zones.

17 Skagit County Ordinance, no. O20140001. See Appendix A. The county commissioners also
18 declared that "[a] violation of SCC 7.04.030 is detrimental to the public health, safety, and
19 welfare and is declared to be a public nuisance." SCC 7.04.060(1). The court's reasoning in *Am.*
20 *States Ins. Co. v. Guillermin*, 108 Ohio App. 3d 547, 671 N.E.2d 317 (1996) is instructive on
21 why the possession of potentially dangerous wild animals is subject to regulation as a public
22 nuisance:

23 "No member of such a species, however domesticated, can ever be
24 regarded as safe, and liability does not rest upon any experience
25 with the particular animal." Keeton, Prosser & Keeton on Torts (5
26 Ed. 1984), 542, Section 76.

27 *Am. States Ins. Co. v. Guillermin*, 108 Ohio App. 3d at 557. In *Warren v. Testa*, 9 Ohio B. Rep.
28 556, 461 N.E.2d 1354 (1983), the court held that a lion was a wild animal for purposes of a city
29 nuisance ordinance. The *Testa* court reasoned that:

30 Dangerous animals, by definition, mean those known to be such in
fact or ones which must necessarily be known by the one who keeps
them to be likely to inflict serious damage. . . A distinction has been
made between animals which, by reason of their species, are by

1 nature ferocious, mischievous, or intractable, and those of a species
2 normally harmless. In the first category are lions.

3 In *Warren County Combined Health Dist. v. Rittenhouse*, 117 Ohio App. 3d 97, 689 N.E.2d 1036
4 (1997) the court explained the rationale for regulating the possession of wild animals:

5
6 As in *Guillermin, Testa* and the other decisions which we have cited,
7 the Canadian cougars owned by appellees in this case are by their
8 very nature dangerous wild animals which pose a significant threat
9 to public safety. The mere fact that the cougars have become
10 accustomed to interaction with man from living in captivity simply
11 does not alter their wild and untame nature so as to render them
12 domesticated animals. . . .

13 *Warren County Combined Health Dist. v. Rittenhouse*, 117 Ohio App. 3d at 100-101. The
14 reasoning of the Ohio appellate courts is applicable here. William Coleburn recognizes that his
15 animals present a risk of injury to the public. He employs precautions to prevent injury during
16 his shows and has admitted that his cougars, if they escaped, would present a risk of injury to
17 small kids. These animals and William Coleburn's practices clearly affect the public's safety.

18 Along with "[t]he power to declare by ordinance what shall be deemed a nuisance within
19 the county," the legislature gave counties authority "to prevent, remove, and abate a nuisance."
20 RCW 36.32.120(10).

21 Thus, Skagit County has a clear legal and equitable right to an injunction that will serve
22 to abate the possession of potentially dangerous wild animals in unincorporated Skagit County.
23

24 **2. Skagit County has a well-grounded fear of immediate invasion of its**
25 **right to protect the public against the defendants' violations of RCW**
26 **16.30 and SCC 7.04.**

27 The purpose of the county's potentially dangerous wild animal ordinance is:

28 . . . to encourage, secure and enforce those animal control measures
29 deemed desirable and necessary for the protection of the health,
30 safety and welfare of the residents and animals of Skagit County, to
minimize the exposure of citizens to the harmful nuisance,

1 physiological, and psychological effects of excessive noise, and to
2 prevent injury to property and cruelty to animals. To this end, this
3 Title regulates animal behavior and provides standards for the use,
4 care, management, and treatment of animals.

5 SCC 7.01.010. Although adopted on March 5, 2014, the county's ordinance excepted owners
6 who were diligently working toward qualifying for an exception and any necessary land use
7 approval until January 1, 2015. SCC 7.04.030(2).

8 William Coleburn was aware of the ordinance when it was adopted, including the
9 exception for persons "diligently pursuing licensing, accreditation, and land use approvals." Tr.
10 at 21-22. However, the defendants took no action to qualify for an exception until December 31,
11 2014, when William Coleburn applied for a special use permit to maintain an animal preserve on
12 the Welch property. On January 14, 2015, the county advised William Coleburn that his
13 application was incomplete. It also advised William Coleburn what he needed to do to complete
14 his application. Decl. Black. Then, in a letter dated January 29, 2015, the Skagit County Sheriff
15 advised William Coleburn that he was in noncompliance with the county code regulating the
16 possession of potentially dangerous wild animals. Amended Answer at 3.13
17
18
19

20 William Coleburn did not remove his animals from Skagit County and did not respond to
21 the county's request for further information for his application. He let his application lapse and
22 instead of appealing the decision that his application was incomplete and had lapsed, William
23 Coleburn asked for a refund of permitting fees and has not resubmitted an application for a
24 special use permit that would allow him to use the property for wildlife sanctuary. Decl. Black.
25
26

27 William Coleburn's failure to complete his application and his ongoing breeding and
28 exhibiting of potentially dangerous wild animals demonstrates that the defendants are not
29 inclined to comply with RCW 16.30 or SCC 7.04, which would require them to abandon a source
30

1 of income. It also demonstrates a reluctance to allow the county to consider and impose
2 conditions on the use of the Welch Lane property as an animal sanctuary.⁷ See SCC 14.06.170(9)
3 (authorizing Hearing Examiner to impose conditions or modifications on permit).
4

5 Defendants use of armed guards on the Welch Lane property to “defend (William
6 Coleburn) and his animals,” Decl. Kiesser, Skagit Valley Herald article published July 11, 2015,
7 also demonstrates their intent to continue to act in their own interests, with disregard for the state
8 law and county ordinances that regulate the use of property and possession of potentially
9 dangerous wild animals.
10

11
12 The evidence establishes that the defendants continue to maintain a public nuisance on
13 the Welch Lane property despite the county’s reasonable efforts to gain compliance with RCW
14 16.30 and SCC 7.04. It also establishes a well-grounded fear of an immediate and continuing
15 invasion of the county’s right to protect the public.
16

17 **3. The defendants’ acts present a reasonable fear of harm.**

18 A finding of actual harm is not necessary to support a determination that an activity
19 constitutes a nuisance. “[N]uisance can be based on a reasonable fear of harm.” *Kitsap County v.*
20 *Kitsap Rifle & Revolver Club*, 184 Wn. App. 252, 284, 337 P.3d 328 (2014). On this point, the
21 court’s decision on *Mercer Island v. Steinman* is instructive. Steinman obtained a building permit
22 for a “game room” above his garage for personal use. Modifications during the permitted
23 construction led to the construction of three possible living areas, one in the residence, one in the
24 garage and one above the garage. After construction, Steinman moved from the house and into
25
26
27

28 ⁷ William Coleburn’s possession and breeding of wolf-hybrids also violates the county’s kennel
29 ordinance. See SCC 16.16.320(4)(n) (Hearing Examiner special use permit required to maintain
30 a kennel).

1 the "game room" above the garage. He then rented the house and garage as apartments. *Mercer*
2
3 *Island v. Steinmann*, 9 Wn. App. at 480. The *Steinmann* court did not require Mercer Island to
4 establish harm before it enjoined Steinman's use of the property for rentals. It was sufficient that
5 the activity was a public nuisance:

6
7 Injunctive relief is available against zoning violations which are
8 declared by ordinance to be nuisances. The Mercer Island code
9 states that any use of property contrary to the ordinance is a public
10 nuisance which the city may abate by an action in the superior court.
11 The relief may be sought by the municipality itself to restrain the
12 violation taking place. The enforcement of a zoning ordinance by
13 injunction is essential if the amenities of the area sought to be
14 protected are to be preserved.

15 *Mercer Island v. Steinmann*, 9 Wn. App. at 485-486 (citations omitted).⁸

16 The defendants' use of the Welch property to house potentially dangerous wild animals
17 without the review that would have followed completion of an application for a special use
18 permit for an animal preserve is a public nuisance that presents a risk of harm to the public. *See*
19 *SCC 7.04.060(1); SCC 14.44.120(3)* (A violation of the zoning code "is detrimental to the public
20 health, safety, and welfare and is a public nuisance"); *RCW 7.48.130* ("A public nuisance is one
21 which affects equally the rights of an entire community or neighborhood, although the extent of
22 the damage may be unequal.") Thus, the defendants' actions injure the community on several
23 levels.

24 Because of the history of animal escapes, noise, and poor sanitation practices at and from
25 the Welch Lane property, if William Coleburn had followed through with the permitting process,
26 the Hearing Examiner may have imposed conditions for noise control and to prevent escapes and
27

28
29 ⁸ Steinmann obtained permits for his construction and there is no evidence that the rental caused
30 harm to any tenant.

1 the spread of vectors and disease on any permit. *See* SCC 14.16.900(1)(b). Such conditions
2 would likely end William Coleburn's practice of dumping uneaten meat on his property for rats
3 and other scavengers, including crows, ravens, turkey buzzards, and eagles, to eat and carry
4 away. It would have ended the problem with rat and meat dropping problems that plague
5 William Coleburn's neighbors. *See* Decl. Hettich, Knutsen, Welch, Borlin.
6
7

8 William Coleburn's unlawful possession of potentially dangerous wild animals on his
9 Welch Lane property has demonstrably changed the environment around William Coleburn's
10 Welch Lane property. Neighbors suffer the stench of rotting meat, rats and the presence of
11 pieces of rat meat that fall from the beaks of birds flying away from the food source William
12 Coleburn provides for them as an alternative to paying for garbage collection. These are
13 problems that did not exist before William Coleburn began to house his animals on his Welch
14 Lane property. Decl. Hettich, Knutsen, Welch, Borlin. These odors, noises, safety, and rat and
15 falling meat intrusions inherently affect property values and injure the neighbors' enjoyment of
16 their properties. *See Radach v. Gunderson*, 39 Wn. App. 392, 399-400, 695 P.2d 128 (1985) ("A
17 demonstrable financial loss is not essential to support an injunctive remedy" for "condition
18 which adversely affects the Radachs' enjoyment of their property.")
19
20
21
22

23 The neighbors fear that an escaped animal will injure a pet, child, or adult is a valid
24 concern. *See* Decl. Hebner, Becker, Anderson. An escaped bobcat injured William Coleburn
25 when it was captured. Tr. 28. An escaped wolf damaged the interior of Marie Padovan's animal
26 control vehicle. Tr. 33; Decl. Padovan. William Coleburn admits that these animals present a
27 threat to small pets and the safety of children. Tr. 38-39. He'd be "done" if a cougar escaped. Tr.
28 at 38.
29
30

1 William Coleburn blames his neighbors and does not accept that noise, escaped animals,
2 and unsanitary practices cause any problems in the Welch Lane neighborhood. Tr. at 116
3 (“Kevin Welch is “the guy that started all this.”); Tr. at 165 (“I would agree with you [about the
4 requirement for a permit] if I didn’t have a neighbor like Kevin Welch who’s deeply involved
5 with the county politics that pushed this agenda.”)
6
7

8 William Coleburn’s unpermitted use of his property to house potentially dangerous wild
9 animals is, in fact and by legislative definition, a public nuisance that is detrimental to the
10 public’s health, safety, and welfare. See SCC 7.04.060(1); SCC 14.44.010(1). The decision to
11 make a violation of an ordinance a public nuisance, “indicates a decision by the legislative body
12 that the regulated behavior warrants enjoining, and that the violation itself is an injury to the
13 community.” *King County ex rel. Sowers v. Chisman*, 33 Wn. App. 809, 819, 658 P.2d 1256
14 (1983).
15
16

17 **D. An order of abatement and injunction should be issued to the defendants.**

18 A “[n]uisance does not become legal by prescription.” RCW 7.48.190. Thus, until the
19 defendants comply with the law and ordinance, their possession of potentially dangerous wild
20 animals remains a public nuisance that may be abated, enjoined, or enforced with a civil penalty.
21 RCW 7.48.200.
22

23 A “trial court had the legal authority to enter an injunction designed to abate a public
24 nuisance under both RCW 7.48.200 and [a local ordinance].” *Kitsap County v. Kitsap Rifle &
25 Revolver Club*, 184 Wn. App. 252, 302, 337 P.3d 328 (2014).
26
27

28 The court’s authority to issue an order of abatement and an injunction comes from several
29 sources.
30

1 First, at common law, engaging in any business or profession in defiance of law
2
3 regulating or prohibiting the same is a nuisance *per se*, and a person so engaged may be enjoined
4 from so doing, even though there may be, for the wrong committed, the legal remedy of arrest
5 and punishment. *State v. Boren*, 42 Wn.2d 155, 163, 253 P.2d 939 (1953). Defendants' business
6 of producing wildlife shows that use potentially dangerous wild animals is one aspect of why
7 they do not qualify for the "animal sanctuary" exception under RCW 16.30 and SCC 7.04.
8

9 Second, state law allows an injunction for a nuisance:
10

11 When it appears by the complaint that the plaintiff is entitled to the
12 relief demanded and the relief, or any part thereof, consists in
13 restraining the commission or continuance of some act, the
14 commission or continuance of which during the litigation would
15 produce great injury to the plaintiff; . . . or where such relief, or any
16 part thereof, consists in restraining proceedings upon any final order
or judgment, an injunction may be granted to restrain such act or
proceedings until the further order of the court, which may
afterwards be dissolved or modified upon motion. . . .

17 RCW 7.40.020; *See* RCW 7.48.200 ("When a civil action for damage is resorted to, the practice
18 shall conform to RCW 7.48.010 through 7.48.040.")
19

20 Third, the county code, SCC 7.04.060(4), authorizes the county to seek an equitable
21 remedy to abate a public nuisance caused by a violation of SCC 7.04.
22

23 Abatement and injunction are appropriate remedies in this case. The power to issue an
24 order to abate a nuisance is "grounded on the inadequacy of the legal remedies; it being within
25 the power of courts of equity, not only to abate an existing nuisance, but to do what the courts of
26 law could not do -- interpose and prevent threatened nuisances, and, by a perpetual injunction,
27 make their remedies effectual throughout all future time." *State v. Lew*, 25 Wn.2d 854, 865, 172
28
29
30

1 P.2d 289 (1946). The legislature specifically authorizes the court to issue an abatement order at
2 the request of a local government:
3

4 "When, upon . . . complaint or action, any person is adjudged guilty
5 of a nuisance . . . the [superior] court may in addition to the fine
6 imposed, if any, or to the judgment for damages or costs, for which
7 a separate execution may issue, order that such nuisance be abated,
8 or removed at the expense of the defendant, and after inquiry into
9 and estimating, as nearly as may be, the sum necessary to defray the
10 expenses of such abatement, the court may issue a warrant
11 therefor..."

12 RCW 7.48.260.

13 Abatement is authorized for similar public nuisances. See RCW 47.42.080 (signs erected
14 or maintained contrary to the provisions of chapter 4.42 RCW are a public nuisance that may be
15 abated); RCW 47.32.120 (structures or businesses maintained that tend to invite patrons to use
16 any portion of the right-of-way of any state highway is a public nuisance and may be abated);
17 RCW 66.36.010 (following conviction relating to a liquor violation structures or places against
18 which such action is brought is a public nuisance and may be abated); RCW 90.03.350 (dams
19 constructed or modified other than in accordance with approved plans and specifications are a
20 public nuisance and may be abated); RCW 46.55.240 (counties may declare that junk vehicles on
21 private property are a public nuisance that may be abated); RCW 19.27.004 (authorizing counties
22 to declare that dangerous buildings are public nuisances that may be abated).
23

24 As addressed above, the defendants knowingly maintain a public nuisance on their Welch
25 Lane property that is in noncompliance with the Skagit County Code and they have declined to
26 voluntarily stop the money-making practices of exhibiting potentially dangerous wild animal
27 shows, which practice bars their use of any statutory exception. Where the public welfare is
28
29
30

1 being harmed by the defendants' continuing violations, damages will not adequately remedy the
2 problem and the court should issue an injunction that defendants:
3

4 (1) remove all potentially dangerous wild animals from unincorporated Skagit County
5 within 10 days;

6 (2) apply for and obtain a special use permit for an animal preserve or other applicable
7 permit such as a kennel before returning any potentially dangerous wild animals to any property
8 in unincorporated Skagit County; and
9

10 (3) provide proof of ownership for each potentially dangerous wild animal that
11 establishes possession of the animal since July 21, 2007, to the Sheriff or Chief of Police in any
12 Washington county or city where any such animal is relocated.
13

14 **E. Civil Penalties.**

15 RCW 16.30.060 provides that "[a] person who violates RCW 16.30.030 is liable for a
16 civil penalty of not less than two hundred dollars and not more than two thousand dollars for
17 each animal with respect to which there is a violation and for each day the violation continues."
18

19 SCC 7.04.060(2) provides that "[a] person who violates SCC 7.04.030 is liable for a civil
20 penalty of \$2,000 for each animal with respect to which there is a violation and for each day the
21 violation continues."
22

23 Given defendants' Amended Answer and William Coleburn's testimony at his deposition
24 on October 15, 2015, which establish that defendants possess potentially dangerous wild animals
25 and do not comply with any statutory exception, each defendant is subject to civil penalties for
26 the following animals during – at a minimum – the following periods:
27

28

<u>Animal</u>	<u>RCW 16.30.060</u>	<u>SCC 7.04.060(2)</u>
---------------	----------------------	------------------------

1	cobra	1-1-15 to 10-15-15	1-1-15 to 10-15-15
2	copperhead	1-1-15 to 10-15-15	1-1-15 to 10-15-15
3	cottonmouth	1-1-15 to 10-15-15	1-1-15 to 10-15-15
4	rattlesnake	1-1-15 to 10-15-15	1-1-15 to 10-15-15
5	alligators	-	1-1-15 to 10-15-15
6	cougars	4-9-13 to 10-15-15 (2)	1-1-15 to 10-15-15
7	wolves/hybrids	-	1-1-15 to 10-15-15
8	foxes	-	1-1-15 to 10-15-15

9 The county suggests that the court impose a civil penalty under RCW 16.30.060 of \$200
10 per day collectively for the snakes acquired after July 22, 2007, for the 287 days between
11 January 1, 2015 and October 15, 2015. The total penalty for the snakes would be \$57,400.
12

13 The county suggests that the court impose a civil penalty under SCC 7.04.060(2) of
14 \$2,000 per day for each day that William Coleburn exhibited – or transported – the following
15 animals at shows and exhibitions in 2015:
16

17 **Wolves/Wolf hybrids:**

18	3 days ⁹ for travel to and from the 2015 Montana Sportsman's Exhibition:	\$6,000
19	1 day at the February 7, 2015, Stillaguamish Eagle Festival:	\$2,000
20	2 days for transport to and from the Lynden Fair:	\$4,000

21 **Cougars¹⁰:**

22	3 days for travel to and from the 2015 Montana Sportsman's Exhibition:	\$6,000
23	1 day at the February 7, 2015, Stillaguamish Eagle Festival:	\$2,000
24	2 days for transport to and from the Lynden Fair:	\$4,000

25
26 ⁹ The three days is based on two days of travel, through Washington, to Montana and one day for
27 a return trip.

28 ¹⁰ To put this penalty in perspective, the court could impose a civil penalty for each of the two
29 cougars born at Welch Lane to William Coleburn's adult cougars in 2010. The county would
30 recommend 2 x \$200/day for 919 days between April 9, 2013 and October 15, 2015 for a total
penalty of \$367,600.

1 Alligator:

2	1 day at the February 7, 2015, Stillaguamish Eagle Festival:	\$2,000
3	1 day at an April 2, 2015 show in Anacortes:	\$2,000
4	2 days for transport to and from the Lynden Fair:	\$4,000

5 The county also suggests that the court impose a civil penalty under SCC 7.04.060(2) of
6 \$2,000 for each of the ten cubs (\$20,000 total) born at the Welch Lane property in April 2015.
7

8 The total civil penalty the court should impose is \$109,000, (\$57,400 +
9 \$32,000+\$20,000).
10

11 The imposition for a civil penalty for the transport to and from the Lynden Fair is
12 appropriate because although exhibition at a certified agricultural fair is an exception from RCW
13 16.30 and SCC 7.04, the exception only applies while the animal is being displayed. RCW
14 16.30.020(1)(l) exempts “[a] person displaying animals at a fair approved by the Washington
15 department of agriculture[.]” (Emphasis added). By its own terms, this is a narrow exception.
16

17 The present participle “displaying” evidences the legislature’s intent that this exception
18 only applies while the animal is being displayed at an approved fair. *See Harry v. Buse Timber &*
19 *Sales, Inc.*, 166 Wn.2d 1, 22, 201 P.3d 1011 (2009) (“The statute [RCW 51.08.150] uses the
20 present participle form of disable—disabling; it does not use the past participle form of the
21 term—disabled. The tense is important because the term ‘disabled’ implies a completed action
22 while “disabling” implies that the disability merely exists.”) That the legislature intended to limit
23 the agricultural fair exception to the duration of the display at the agricultural fair is reinforced
24 by a separate exception for transportation, RCW 16.30.020(1)(j), which exempts “[a] person
25 temporarily transporting and displaying a potentially dangerous wild animal through the state if
26 the transit time is not more than twenty-one days and the animal is at all times maintained within
27
28
29
30

1 a confinement sufficient to prevent the animal from escaping." Thus, RCW 16.30.020(1)(j)
2 allows an exhibitor at a state agricultural fair time to move the animals out of state without being
3 in violation of the law or ordinance. If the exhibitor wanted to keep the animals in the state
4 longer than the time of transport to and from an out-of-state location to an approved fair, the
5 owner would then have to qualify under another exception. As addressed above, the defendants
6 do not qualify for any other exception.
7

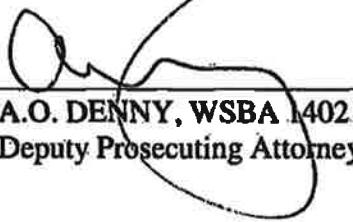
8
9 **CONCLUSION**

10 Defendants knowingly and willfully maintain potentially dangerous wild animals in
11 unincorporated Skagit County while engaging in activities that bar the application of any
12 exception under RCW 16.30 and SCC 7.04. They have demonstrated that they intend to continue
13 to violate the law and ordinance by their failure to comply with zoning requirements and by their
14 continued breeding, sale, and exhibition of their potentially dangerous wild animals. Skagit
15 County seeks compliance with the law and has established the grounds for an immediate
16 injunction, order of abatement, and imposition of civil penalties.
17
18

19 Dated this 18th day of November, 2015.
20

21
22 RICHARD A. WEYRICH
23 SKAGIT COUNTY PROSECUTING ATTORNEY

24
25 By:


26 A.O. DENNY, WSBA 14021
27 Deputy Prosecuting Attorney
28
29
30

**An Ordinance Amending Skagit County Code Title 7 to Provide for
Appropriate Regulation of Potentially Dangerous Wild Animals**

Whereas RCW Chapter 16.30 prohibits ownership of potentially dangerous wild animals acquired on or after July 22, 2007, and allows a local government's Animal Control Authority to enforce such prohibition;

Whereas RCW Chapter 16.30 expressly reserves to local government the right to regulate potentially dangerous wild animals in a manner more restrictive than RCW Chapter 16.30, including but not limited to prohibition of potentially dangerous wild animals acquired prior to July 22, 2007;

Whereas Skagit County residents have possessed a variety of captive exotic animals over the years, including a gorilla, tigers, cougars, and wolves;

Whereas the Board of County Commissioners desires to regulate the possession of all potentially dangerous wild animals, whenever acquired, to protect the health, safety, and welfare of the community and the animals;

Whereas revisions to Skagit County Code Title 7, Animals, are necessary to accomplish those purposes;

Whereas, on January 16 and 30, 2014, the Board of County Commissioners published notice of the proposed ordinance and of a public hearing;

Whereas, on February 4, 2014, the Board of County Commissioners held a public hearing on the proposed revisions to Skagit County Code;

Whereas, on February 25, 2014, the Board of County Commissioners discussed and deliberated on the proposed ordinance and the public comments;

Now Therefore, Be It Ordained by the Board of County Commissioners that:

Section 1. The Board of County Commissioners adopts the following findings of fact:

- A. The animals to be regulated by the proposed ordinance are inherently dangerous, as they are not normally domesticated and pose unique threats to human life due to their physical and temperamental characteristics, including their strength, speed, and unpredictability.
- B. According to the US Department of Agriculture, wolf hybrids, often larger in size than either the wolf or dog from which they were bred, have been the source of a number of attacks on people—mostly children—that have resulted in severe injuries and several deaths. Many states prohibit or regulate possession of wolves and wolf hybrids.
- C. RCW 16.30 prohibits captive-bred cougars but not cougars born in the wild. No purpose is served by distinguishing between the two, as cougars born in the wild are not less dangerous. The federal Captive Wildlife Safety Act prohibits sale or transport of cougars across state lines.
- D. It is within the prerogative and function of the Board of County Commissioners to decide whether and how best to regulate such matters as the possession, care, and transfer of these animals.

- E. Other counties impose strict regulations on potentially dangerous wild animals, e.g. Island County prohibits the possession of cats other than housecats and limits the possession of wolf hybrids; Jefferson County prohibits harboring any vicious animal; King County prohibits possession unless obtained prior to 1994.
- F. The regulated animals are unsuitable for rearing and handling in a home or by non-professionals.
- G. The Humane Society of the United States has taken the position that "dangerous wild animals should only be kept in captivity by professionally run accredited zoological facilities and sanctuaries that have the resources and know how to meet the complex needs of the animals."
- H. The proposed ordinance would reasonably regulate the possession of potentially dangerous wild animals by restricting them to the exempt facilities specified in RCW 16.30.020, such as accredited zoos and wildlife sanctuaries.
- I. A zoo or wildlife sanctuary may qualify under the definition of "animal preserve," which the County's zoning code allows by Hearing Examiner special use permit in some zones.

Section 2. Skagit County Code Title 7 is hereby amended as shown in Attachment 1.

Section 3. This ordinance is effective May 1, 2014.

Witness Our Hands and the Official Seal of Our Office this 5 day of March, 2014.



Board of County Commissioners
Skagit County, Washington

Ron Wesen

Ron Wesen, Chair

Kenneth A. Dahlstedt

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon

Sharon D. Dillon, Commissioner

ATTEST:

Linda Hammer

Clerk of the Board

APPROVED AS TO FORM

Will Honea

Will Honea, Chief Civil Deputy
Skagit County Prosecutor's Office

Attachment 1

7.01 General provisions

7.01.010 Purpose [no changes]

7.01.020 Definitions

In construing the provisions of this Title except where otherwise plainly declared and clearly apparent from the context, words used herein shall be given their common and ordinary meaning; in addition, the following definitions shall apply:

~~(1) "Abatement" means the termination of any violation by reasonable and lawful means determined by the Board of County Commissioners in order that a person or persons presumed to be the owner shall comply with this Title.~~

~~(2)-(4) [No change].~~

~~(5) "County" means Skagit County.~~

~~(6)-(9) [No change].~~

~~(10) "Residential" means any area within Skagit County in which the average population density for the area within a half mile shall not exceed two (2) family units per five (5) acres; provided, that the population density shall not exceed six (6) family units per five (5) acres for any area within said half mile.~~

~~(11) "Skagit County" means the unincorporated areas of Skagit County.~~

~~(12) "Vicious" means the propensity to do any act that might endanger the safety of any person, animal or property of another, including, but not limited to, disposition of mischief or fierceness as might occasionally lead to an attack on human beings without provocation, whether in play or outbreak of untrained nature.~~

7.01.030-100 [no changes]

SCC Chapter 7.04 is hereby repealed and replaced with the following:

7.04 Potentially Dangerous Wild Animals

7.04.010 Definitions

(1) "Potentially dangerous wild animal" means:

- (a) All animals listed in RCW 16.30.010(2);
- (b) All animals of the family Canidae (as dogs, wolves, jackals, or foxes) and their hybrid, except for the domestic dog *Canis lupus familiaris*; and
- (c) All cougars.

7.04.020 Exceptions

The provisions of this chapter do not apply to the persons and entities listed in RCW 16.30.020.

7.04.030 Prohibited behavior.

- (1) A person may not own, possess, keep, harbor, bring into the county, or have custody or control of any potentially dangerous wild animal within the unincorporated area of Skagit County.
- (2) A person in legal possession of a potentially dangerous wild animal on the effective date of this section who does not qualify for one of the exceptions listed in RCW 16.30.020 may keep possession of the animal until December 31, 2014, upon a showing, satisfactory to the Animal Control Officer, that the possessor is diligently pursuing licensing, accreditation, and land use approvals for one of the exceptions listed in RCW 16.30.020.
- (3) RCW Chapter 77.15 prohibits the trafficking in, and release of, "deleterious exotic wildlife" as defined in RCW 77.08.010.

7.04.040 Confiscation—Duties of animal control authority.

- (1) The Animal Control Authority or a law enforcement officer may immediately confiscate a potentially dangerous wild animal held in contravention of this chapter.
- (2) The Animal Control Authority officer must serve notice upon the possessor in person or by regular and certified mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is responsible for payment of reasonable costs for caring and providing for the animal during the confiscation, notice of right to administrative review of the confiscation, and that the possessor must meet the requirements of subsection (3) of this section in order for the animal to be returned to the possessor.
- (3) A potentially dangerous wild animal that is confiscated under this section may be returned to the possessor, or a facility such as a wildlife sanctuary or a facility exempted pursuant to SCC 7.04.020, only for the purpose of transporting the animal out of the county on the day of transport, and only if the Animal Control Authority establishes that the return does not pose a public safety or health risk.
- (4) If a potentially dangerous wild animal confiscated under this section is not returned to the possessor, the Animal Control Authority may release the animal to a facility such as a wildlife sanctuary or a facility exempted by SCC 7.04.020.
- (5) An Animal Control Authority may euthanize a potentially dangerous wild animal under this section only if reasonable placement options such as relocation to a wildlife sanctuary are unavailable within a reasonable period of time.

7.04.050 Right to Administrative Review

- (1) Within 15 days of confiscation, the owner of an animal confiscated under this chapter may request a meeting with the Sheriff to contest (a) the determination that the animal is regulated by this chapter, or (b) the determination that the owner is not exempt under SCC 7.04.020.
- (2) After review of the record and the owner's reasons and information, the Sheriff must determine whether a preponderance of the evidence indicates the animal was properly confiscated.
- (3) If the Sheriff determines that the animal was properly confiscated, the Sheriff must issue a decision that includes:
 - (a) A recital of the authority for the decision;
 - (b) A concise statement of the facts that support the decision; and
 - (c) The signature of the person who made the decision.
- (4) The Sheriff's decision is the final administrative review of the confiscation.

7.04.060 Violation—Deemed nuisance—Abatement

- (1) A violation of SCC 7.04.030 is detrimental to the public health, safety, and welfare and is declared to be a public nuisance.
- (2) A person who violates SCC 7.04.030 is liable for a civil penalty of \$2,000 for each animal with respect to which there is a violation and for each day the violation continues.
- (3) The costs of abatement (including confiscation) are personal obligations of the animal owner. The Prosecuting Attorney on behalf of Skagit County may collect the abatement work costs by use of all appropriate legal remedies.
- (4) In addition to the remedies herein provided, the County has the right to take any legal or equitable action, including injunctions, necessary for the protection of the public health and safety.

7.04.070 Enforcement

The Animal Control Authority is authorized and empowered to enforce the provisions of this chapter.

7.06 Dangerous Dogs

SCC 7.06.001, Definitions, is revised to read as follows:

- (1) [no change]
- (2) "Potentially dangerous dog" means:
 - (a) Any dog that when unprovoked:
 - (i) [no change]
 - (ii) [no change]
 - (iii) Bites a domestic animal or livestock, excluding poultry, while off the owner's property; or
 - (b) ~~(d)~~ [no change]
- (3) [no change]
- (4) [no change]

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

May 6, 2022

To: Skagit County Planning and Development Services

Re: Predators of the Heart Special Use Application (PL22-0133)

Dear County Officers:

I have lived in Anacortes 27 years. Never until the past four or five years have I felt unsafe walking in the forest lands right adjacent to our property. Our neighbors, Predators of the Heart have been in the news these past few years with documentation of dogs being killed by their hybrid wolves. As I walk the trails I can hear the wolves howling nearby and I do not feel as safe as I once did.

Please listen to many pleas for safety, as next time an incident with the wolves happens, it may involve a young child or even an adult. This property where the wolves live is much too close to walking trails as well as residential homes.

The special use permit should not be granted. Please review "Crossing the Line—The Case Against Hybrids."

Sincerely,


Jenny Welch



Crossing the Line – The Case Against Hybrids

Despite their beauty and mystique, hybrids – animals created by breeding companion animals with their wild kin – pose great dangers for the unsuspecting public, not to mention harm for the creatures themselves.

On August 21, 1999, four-year-old Cody Tyler Fairfield was playing in the backyard of his home in Muskegon, MI. Also occupying the yard was the Fairfield family's wolf/German shepherd hybrid, tethered to a chain. Left alone for a moment, Cody approached the family pet. Within minutes, the child was dead, his throat crushed, his trachea punctured.

With yet another child attacked, maimed or killed by a powerful animal fueled by a high predatory drive, the scramble to assign responsibility again took center stage. Unfortunately, such tragedies are not unusual, whether they involve domestic pet dogs or wolf/dog crosses. But what elevates cases involving wolf/dog mixes to a more devastating level is the character and superior strength of the attacker, a potentially confused creature that is neither dog nor wolf, yet is expected to fill both roles with consistency and predictability.

Not just crying wolf

In an analysis of data compiled from press accounts of dog attack deaths and maimings in the United States and Canada since 1982, Clinton, WA-based Animal People reported in September of this year that "wolf hybrids are usually kept well apart from children, and from any people other than their owners. Yet they have still found more opportunity to kill and maim than members of any other [kind of dog] except pit bull terriers and Rottweilers, each of whom may outnumber wolf hybrids by about 10 to 1."

While wolf/dog hybrids are the most notorious wild/domestic animal crosses within America's pet landscape today, they are not the only ones. Along with wolf dogs, dog/coyote crosses, or coydogs, and domestic cat/wildcat hybrids, also exist. The presence of these animals among us is steeped in a morass of ethics, legalities, rights and responsibilities, public safety, politics and heated emotion.

What is a hybrid?

A hybrid is a cross between two parental lines of chromosomally compatible breeding populations, whether it be a cross between two domestic purebred dogs or cats, a domestic dog and a wolf or a coyote, or a domestic cat and one of several types of wild felines. Classic wolf dogs are typically crosses between wolves and Alaskan malamutes or German shepherds. The most common cat hybrid is the Bengal, a cross between a shorthaired domestic cat, commonly an Egyptian Mau or Abyssinian, and an Asian leopard cat, which is not to be confused with the leopard. Other cat hybrids have been created by crossing domestic cats with wild jungle cats, servals and even bobcats.

The intent behind such breeding practices is to create a creature with the appearance of a wild animal and the temperament of a domestic pet. Breeders often pursue this goal with little regard for the physical and temperamental quality of their breeding stock. Yet even with close attention to such details, when musical DNA comes into play, all that is standard in the results is the unpredictability of it all. As Boston, MA-based Tufts University geneticist and certified applied animal behaviorist Alice Moon-Fanelli, Ph.D., explains, there are no guarantees in this particular breeding mission.

Not all hybrids are created equal—even within a given litter—and therein lies the problem. As Stephen Zawistowski, Ph.D., Senior Vice President, ASPCA Animal Sciences states, "When two different parental lines are crossed, this mixes the genetic variation between the two lines, so that you cannot predict which traits are inherited by a particular offspring. While predictability on a statistical level may be established after breeding thousands of progeny, you won't necessarily know on an individual level."

Some hybrids, both feline and canine, are willingly and easily trained – and some aren't. Some people sing the praises of coydogs with friendly, outgoing personalities. Others consider skittish coyote hybrids with territorial fear-biting tendencies more common. After spending more than two decades working with coydogs, Moon-Fanelli concurs with the latter camp. (see "How Coy Maggie Is")

A hybrid can be both well-behaved and beautiful, but too many harbor unstable temperaments. Combining this with hybrid vigor, or increased size and strength, results in a potentially overwhelming –

and dangerous – pet. “The unpredictability and the fact that you cannot generalize their behavior are what make [wolf dogs] so dangerous,” says Moon-Fanelli, who has offered expert testimony in wolf-dog attack cases.

Dog vs. wolf

The problem, she explains, revolves around the profound differences between dogs and wolves. While domestic dogs have been selectively bred for centuries to submit to the bidding of humans – including attacking and releasing on cue – a wolf’s survival revolves around dominance, independent thinking and pack structure, which results in a natural bite inhibition, as one can’t go around mortally wounding one’s packmates.

“But when you take the wolf’s desire for dominance and the predatory behaviors that are innate – genetically intrinsic – to this animal, and combine that with a doggy background, you can end up with an animal with the wolf’s dominance and excessive predatory behavior and a reduced biting inhibition,” explains Moon-Fanelli. “In my experience, the wild influence also tends to dominate, which can lead to dangerous problems in the domestic setting.”

Just how many wolf dogs exist is unknown. Estimates of America’s wolf-dog population, for example, range anywhere from 300,000 to more than one million. To date there is no DNA test to determine what truly is or is not a hybrid, and looks can be deceiving.

Many so-called wolf dogs are not hybrids at all, their owners having been told by unethical breeders or well-meaning “experts” that their large, wolfy-looking domestic pets were bonafide wolf dogs. The harm in believing a gentle, obedient domestic dog is part wolf comes when one generalizes this misleading experience.

Wolf in dog’s clothing

“People who think they have a ‘wolf’ and then get the real thing only realize they have taken on a far more difficult animal after the animal begins to mature,” says wolf expert and photographer Monty Sloan of Wolf Park, a renowned wolf/wolf-dog sanctuary and educational center in Battle Ground, IN, which is contacted weekly by people seeking new homes for their wolf dogs. “Considering that early experience is so critical to canines, if these owners are not quick to realize they have a lot more responsibility and work on their hands, they may fail the animal completely.”

Proper care is most critical in the areas of training and socialization. "To create bonds of trust with a wolf or wolf dog, you need to spend 24 hours a day with it, starting at about 10 days of age," says Brett Martin, education director of the Ramah, NM, wolf and hybrid sanctuary Candy Kitchen Wolf Rescue. "But this only maximizes the chances of socialization – it does not guarantee it."

The case against hybrids

Consider, for example, the potential unpredictability of a cat hybrid, perhaps an early generation Bengal (enthusiasts claim that by the fourth generation, Bengals are no different from any other domestic cat). Most of the cat hybrids whom exotic animal trainer Diana Guerrero of Ark Animals in Escondido, CA, has seen have exhibited "timidity and extreme nocturnal activity, a lack of ability to integrate or accept change and an aversion to interaction with people." Their guardians, in turn, become frustrated by such behavior patterns in pets whom they had expected to look like leopards but behave like cream puffs. In response, says Guerrero, "some breeders have recommended declawing and defanging for the safety of visitors or family members."

The law of the land

Numerous state legislatures have already enacted laws to prohibit or at least regulate wolf hybrids. Michigan is currently addressing the problems of wolf-dog ownership with legislation that went into effect in July 2000, which requires sterilization of all hybrids and mandates stringent care requirements. A wolf dog in Michigan must now by law be housed in a securely anchored, escape-proof enclosure constructed of brick, concrete or chain link, with a minimum 900-square-foot floor. The animal must be properly fed, watered, sheltered and receive routine veterinary care, and his home must be kept clean and well-ventilated.

Eileen Liska, former staff member for the Detroit-based Michigan Humane Society (MHS) and lobbyist for the organization since 1990, sees this legislation as a necessary step. "Michigan has a generic dangerous animal act that kicks in after there is a problem," she says. "The animal gets one free bite. But one free bite doesn't work here. Hybrids don't act like other aggressive dogs. In most cases, they give no warning; they just snap and become a predator. Laws are written for the norm, and the norm is that with wolf hybrids you don't know what you've got until it's too late."

Untimely fates

When owners realize that they cannot satisfy a hybrid pet's needs (and most can't), they turn to shelters and sanctuaries for rescue – if their animals are lucky. Some, on the other hand, set the animals free to fend for themselves or chain them in the backyard. Euthanasia is far more humane – this is typically the fate of any hybrid involved in a bite incident. To date there is no approved rabies vaccine for hybrids of any species, so the animal must be destroyed to determine whether the human victim will require rabies treatments.

The Michigan Humane Society accepts wolf dogs but doesn't adopt them out. By law the animals are held for four days, after which they are euthanized. "These animals present a liability both financially and morally to shelters," states MHS shelter manager Sherry Silk. "Adopt them out and you're putting time bombs out there. Shelters just shouldn't be doing it." And most shelters today are not.

Though MHS' shelter receives fewer wolf dogs these days than in years past, it continues to receive calls from would-be wolf-dog adopters. "What doesn't make sense to me is that we have all these sweet, beautiful dogs in need of homes who would make wonderful pets," says Silk.

Meanwhile, breeders continue to advertise wolf dogs who are "great with kids" and perfect for every owner and every living situation. Unknowing prospective owners buy the lies, inspired perhaps by recent viewings of *Never Cry Wolf* or *Animal Planet's Call of the Wild* series. Candy Kitchen's Martin cites two primary reasons that people are drawn to wolves and wolf dogs as companion animals. First and foremost, there are those who regard these exotic pets as a means of distinguishing themselves as unique or different from other people. Or, Martin states, "some people feel an emotional, spiritual connection to the wolf, and this compels them to want to share their lives with captive-bred wolves or wolf dogs."

But the romanticism of owning a wolf hybrid is shattered when caretakers discover that these consummate escape artists require a large enclosure with a minimum eight-foot fence that is anchored deep within the ground to prevent excavation; that their needs for a high-quality, meat-based diet can be enormously expensive; that they probably cannot be housetrained, and that their greatest joy is tearing apart furniture and turning the backyard into a battleground ripe for trench warfare.

"Nearly every person I have talked to who had problems with their animals, especially those with insurmountable problems, had been given little or no information from the breeder," says Sloan. "Or the information provided, such as 'just treat them like you would a dog,' was totally insufficient. Any good dog

breeder, never mind a wolf-dog breeder, should do his best to talk a buyer out of getting one of his pups: tell them all the downsides and problems previous buyers have had, and supply references to owners of previous litters.”

As Martin explains, one of the most common – and potentially dangerous – mistakes that people make with canine hybrids is “thinking they can be raised like domesticated canines. But wolves and wolf dogs are generally too intelligent and independent to be told what to do and to adopt our rules as their own.”

In defense of hybrids

The pro-wolf dog camp found justification for their choice of pet during the last decade when the scientific community officially proclaimed wolf and dog to be members of the same species. In addition, the U.S. Department of Agriculture is currently reviewing the possible approval of a rabies vaccine for wolves and wolf dogs. Nevertheless, responsible hybrid enthusiasts, acknowledging the potential problems that these animals present with or without a rabies vaccine, agree that education is key to long-term hybrid success and safety.

“I would advise anyone wishing to obtain a wolf dog to first take whatever time is needed to gain an insight into what is required to care for one in a responsible, safe manner,” says Greg Largent, vice president of the lowwolver Association, which works to promote responsible wolf-dog ownership.

“A responsible owner will take all measures possible to supervise the animals carefully when visitors are in the animal’s area to avoid any potential problems,” explains Dorothy Prendergast, editor of *The Wolf Hybrid Times*.

“Those who breed and keep wolf dogs with no regard for the outcome of the progeny are the biggest problem facing the wolf-dog community,” says Largent. “I believe that wolf dogs have lost some of their allure, but there are more breeders than ever. Breeder contracts, return policies, housing and containment, feeding and training and laws governing the ownership of wolf dogs – responsible breeders cover these topics and much more before placing their animals.”

Also facing the pro-hybrid, particularly the pro-wolf dog camp, is the issue of regulation. In the wake of an attack, the public invariably cries out for legislation that will restrict or even ban these animals. But this, too, presents a quandary. “Due to misrepresentation and the inability to accurately identify wolf dogs through DNA testing,” says Candy Kitchen’s Martin, “we have no truly concise idea of how many wolf

dogs exist in this country. How can you regulate a problem when you can't even properly identify the population?"

Hybrid futures

The heated arguments that hybrids inspire are rooted in the potential threat these animals present to the public. But when pondering the status of hybrids within our society, we must also think about the well-being of the animals themselves.

"The biggest concerns I have are for the safety of the breeding animals – their housing conditions, the impact on the wild animal trade and genetic dilution," says wild/exotic animal trainer Guerrero. Given the many unethical people involved and the multiple generations of breeding animals often required to achieve a decent hybrid pet, how can we ignore the suffering that so many of the animals endure to satisfy the end goal?

Hybrids tax the already limited resources of the nation's animal shelters, both in the number of animals needing sanctuary, as well as the potential liability they present. The reputation of the wild creatures who contribute to their creation is also at stake. Every time a hybrid pet is involved in an attack, the animal tarnishes the reputation of wild predators, something that they can ill afford in our ever-burgeoning urban society. The same holds true whenever a frustrated owner abandons a hybrid to fend for himself. While the animal may not survive, he can also become a menace, destroying livestock and property or attacking humans.

Those concerned about wild wolf populations have good reason to worry about wolf dogs running loose and wild, especially during this very sensitive time when wolves are being reintroduced in various regions of the country. Aside from the effect that their breeding with wild wolves would have on the pure wolf gene pools, there is no better ammunition for opponents of reintroduction than the behavior of unstable part-wolves who don't understand the protocols of life in the wild, i.e., choose proper wild prey and avoid humans.

So what is the answer? Outlaw the animals, say opponents. But is that feasible? "It's a double-edged sword," says Martin. "Surplus captive-bred animals are a problem on a national scale, but I don't believe that any federal regulation can phase out excess breeding. Unfortunately, that leaves only one choice: banning. However, banning would probably just send it all underground, and public awareness would greatly decrease over time."

The answer – other than convincing would-be owners that a wolfy-looking Malamute or a shelter cat with tiger stripes might be a better pet choice – probably lies somewhere in the realm of compromise. Over the past decade or so, more states and communities have issued regulations on the keeping of hybrids, particularly wolf dogs, and more are expected to follow Michigan's lead. Also gaining attention is the idea of self-policing – many hybrid proponents acknowledge that if they themselves fail to look out for the well-being of their animals and the general public, someone else will. But just how self-policing might be carried out remains unanswered.

Sloan believes that standardizing the information that is distributed to potential buyers by breeders would help. "Also, as with dogs, there seems to be a strong genetic component in personality characteristics in wolves," says Sloan, who has worked with thousands of wolves and wolf dogs. "I have seen many different lines of pure wolves that exhibited behavioral characteristics that made some easier to work with in captivity, while others were much more problematic. Selective pressure to produce animals who are better suited to live in a pet environment would make sense, but a protocol would have to be designed – and adhered to." To this statement, Zawistowski of the ASPCA responds, "That already happened 15,000 years ago – that's why we have companion dogs in the first place."

The ardent supporters of feline and canine hybrids insist that they breed and live with hybrids because they love wolves, coyotes or the world's wild cats. Equally passionate wildlife advocates who do not consider these "four-footed Frankensteins" acceptable receptacles for those precious wild genes, counter that anyone who loves wild creatures would never dream of diluting them with domestic blood.

But beyond this argument, we must simply think of the animals. Too many fall through the cracks. "For all those people who say they have a good hybrid, wolf or coyote, I say 'What about all the others who aren't so good?'" asks Moon-Fanelli. "Plus, these animals can be dangerous, and they can be miserable. I've worked with some coydogs [who] were not well or happy dogs – real social misfits. Some are quite fearful, nervous and anxious about everything in their environment. Their fear prevents them from enjoying their daily lives, and that's very sad."

Silk experiences that sadness whenever she is assigned the duty of holding a wolf dog for the required four days prior to euthanasia. "Most are so aloof," she says. "They behave so differently because of their wild blood. They sit there with this tortured look in their eyes, and I feel so bad for them."

“Wolf dogs can be a very rewarding experience for those who are capable of and willing to meet the animals’ needs,” says Sloan. “However, because so many dogs in general are failed by negligence, misunderstanding and a simple lack of resources, the far more critical and demanding nature of a wolf or wolf dog narrows the margin of error considerably. Most good dog owners would not make good wolf-dog owners. The demands of the animals would simply exceed their resources.”

To help the public recognize the reality of those demands, Lowolfer’s Largent explains that “there is presently a movement underway within the wolf-dog community to unite together to concentrate on the educational aspects of wolf-dog ownership, and to provide a location where the betterment of the wolf dog, rather than the betterment of the wolf-dog owner, will be sought.”

In this spirit, Lowolfer is working toward seeing that every wolf dog is sold to “fully screened, well-informed and educated folks” who can and will uphold the tenets of responsible guardianship. Yet for the sake of all hybrids, as well as children like Cody Tyler Fairfield, the ASPCA recommends that these animals not be kept as pets. Not only should all existing hybrids be spayed and neutered, but no more should be produced.

Freelance writer Betsy Sikora Siino resides in New York State

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

TO: SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

RE: PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)

I am a long-time Anacortes resident and my property is adjacent to Predators of the Heart on Welch Lane. I have been at their facility, know the operators and have personally observed many issues over the years they have been in operation.

I have respectfully request that their application for a Special Use Permit be DENIED for the following reasons which I will summarize:

1. Incomplete and false application
2. Illegal Activity in Skagit Count
3. Access & easement issues
4. Public Safety & Health
5. Public & private nuisance
6. Citations & Complaints
7. Neighborhood Impact

First by way of background, Predators of the Heart (POTH) is a well established local organization that was originally operated in a residential house in SkyLine. After numerous well publicized incidents and citations¹ the City of Anacortes forced them to move to their present location which is in a quiet residential neighborhood and immediately adjacent to the Anacortes Community Forest Lands. Since moving there they have constructed an ad-hoc compound housing numerous exotic and hybrid animals and monetized the operation using AirBnb Experiences. It was as a result of their negative impact on the local community and generalized public outcry that Skagit County revised their exotic animal ownership laws to prohibit this type of activity. Skagit County subsequently sued POTH but dropped the case for unknown reasons. Since that time the operators of POTH have divorced and the property ownership was transferred to the POTH 501c3 who is applying for the Special Use Permit.

Based on this background information, at a high level here is a summary of my reasons why POTH should be denied their special use application & requested permit:

1. Incomplete and false application
 - a. The application is incomplete in that it does not address the access & easement issues and their ability to use the associated roadways.
 - b. The application is incomplete in that POTH does not address how they plan to compensate the existing homeowners for the construction and maintenance of the Welch Lane – to this date POTH has not contributed anything to its construction nor ongoing maintenance.
 - c. The application is incomplete in that it does not address the issue that the facility is un-manned every night and when issues occur it is left to the neighbors to notify them.
 - d. The application is incomplete in that POTH does not address the training, education and associated financial plan associated with the facility operators as required by all accrediting agencies such as the American Zoo Association.
 - e. The application is false in many areas, but let me summarize a few:

¹ See City of Anacortes Animal Control Violations

KPW

- i. POTH does not acknowledge the fact that the primary mechanism they use to perpetuate their business is by breeding hybrid wolf dogs and that selling the excess animals, further compounding the national exotic animal problem
 - ii. POTH claims that there has only been one animal escape and that it wasn't their fault – I personally witnessed the latest escape and have observed numerous other escapes by a variety of animals over the last few years (and those are the ones that I know about).
 - iii. POTH claims that there have been no noise complains – I personally have filed 4 complaints but the County thus far has declined to take enforcement action. I also know that almost every other neighbor has complained about this issue.
 - iv. POTH in their application seems to imply that they are approved by Skagit County Animal Control, Fisheries and Wildlife, and the USDA. While some agencies may give them animals and have issued them licenses, POTH has citations with every regulatory agency I have spoken with and is most certainly not in good standing with any of them.
2. Illegal Activity in Skagit Count – the ownership of exotic animals such as those possessed by POTH is clearly illegal in Skagit County. POTH seems to believe they are exempt from these rules in that they exhibit (once a year) at a State Fair or some other exhibition. This is an abuse as their primary business is providing the public with exotic animal uncounters. They claim they are educational but have no staff with documented education or outside experience in this area. They claim there are a sanctuary but they use their animals in ways that are not natural to their normal existence plus they breed more of them.
3. Access & easement issues - Welch Lane was created by a short-plat and its use was limited to four (4) residences in addition to the pre-existing Friedmann residence. If this permit is approved it will in effect void the conditions imposed by Skagit County when the road was created and contributed significantly to the wear & tear of a roadway which is already in poor shape. Furthermore POTH has never contributed both to the construction and maintenance of this roadway yet wants to expand their use of it.
4. Public Safety & Health – POTH has clearly demonstrated by their historical actions that they have no regard for public safety. As mentioned above there have been numerous animal escapes that we know of and many others that we don't know about. It is only a matter of time before someone is seriously hurt. The property is unattended at night and all it takes is a tree to fall and their animals could be released to the adjacent properties and park. Since POTH has moved in I have noticed a 10x increase in rats and vultures who appear to be feeding of discarded food scraps. Another area of concern is the risk POTH poses to guests and employees. I have documented cases in my possession of injuries sustained by POTH guests and employees, the existence of these POTH has been actively trying to suppress.
5. Public & private nuisance – the presence of POTH represents both a public and private nuisance that discourages the public from using portions of the adjacent community forest lands due to animal escapes; plus it has diminished the property values because people do not want to live close to the noise, traffic and safety risks posed by the operation.
6. Citations & Complaints – as mentioned previously POTH has an continues to receive citations from every jurisdictional agency – County Sherriff, animal control, WDFW, USDA and so on. The neighbors have complained to the Commissioners who changed the rules but POTH lives on claiming that they are only dogs yet advertising they are wolves.
7. Neighborhood Impact – neighbors are very, very concerned about the impact POTH is having on their community – the noise of wolf dogs howling day & night, the traffic impact, our lack of ability for the quiet enjoyment of our property by us, our children and our pets.

HPW

In summary, exotic animal operators such as POTH represent a national problem (see the NetFlix Tiger King) that we have to deal with locally. This business has been a bad actor for a long time and as a result I respectfully request that the special use application be DENIED.

Sincerely,



Kevin P Welch
Anacortes, WA 98221
360-708-8516 cell

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

TO: SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

RE: PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)

I am a long-time Anacortes resident and frequent the private properties and city park adjacent to Predators of the Heart on Welch Lane.

I have been personally impacted by their operation and respectfully request that their application for a Special Use Permit be DENIED due to the adverse impact in the following areas:

1. Public Safety
2. Public & private nuisance (noise, rat infestation for example)
3. Traffic impacts in a private residential area

Sincerely,

Heather (Little) Jennings
(360) 770-8894

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

TO: SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

RE: PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)

I am a long-time Anacortes resident and frequent the private properties and city park adjacent to Predators of the Heart on Welch Lane. There are several things that I am very concerned about when visiting this area:

1. Safety
2. Inadequate enclosures

My wife and I have three boys ages 1, 5, and 7 and we love to hike in the Anacortes Forest lands. My wife will often take my boys and explore the forest land trails in that area while I am at work. On multiple occasions, we have learned of wildlife that have escaped from the Predators of the heart location and been found in the nearby woods. On the most recent occurrence, my wife and kids were walking in the forest lands and later learned they were just around the corner from where a wolf had been recaptured after several had escaped. My wife and I are very concerned for both our safety, and the safety of our children.

Another area of concern for us is the enclosures in which the animals live. On multiple occasions while driving by, we have seen trees that have collapsed part of the fence and observed holes in and around the fence. Although the fences are deemed "electrically charged", with debris hanging on the fence, and with sections of the fence overgrown with branches and shrubs, it is no wonder the animals continue to escape. With the damage and disrepair, we have observed, as well as continued wolf sightings in the surrounding areas, it is obvious that the enclosure are inadequate to keep the animals contained.

I am respectfully requesting that the application for a Special Use Permit for the Predators of the heart be DENIED.

Sincerely,



360-982-0406

MAY 06 2022

SKAGIT COUNTY
PDS

TO: SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

RE: PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)

I am a long-time Skagit County resident and frequent the private properties and city park adjacent to Predators of the Heart on Welch Lane. There are several things that I am very concerned about when visiting this area:

1. Safety
2. Inadequate enclosures

My wife and I have dogs and a 12-year-old son, and we love to hike in the Anacortes Forest lands. As a family, we frequently explore the forest land trails in that area. On multiple occasions, we have learned of wildlife that have escaped from the Predators of the heart location and been found in the nearby woods. My wife and I are very concerned for both our safety, and the safety of our children.

Another area of concern for us is the enclosures in which the animals live. On multiple occasions while driving by, we have seen trees that have collapsed part of the fence and observed holes in and around the fence. Although the fences are deemed "electrically charged", with debris hanging on the fence, and with sections of the fence overgrown with branches and shrubs, it is no wonder the animals continue to escape. With the damage and disrepair, we have observed, as well as continued wolf sightings in the surrounding areas, it is obvious that the enclosure are inadequate to keep the animals contained.

I am respectfully requesting that the application for a Special Use Permit for the Predators of the heart be DENIED.

Sincerely,



Nicholas Anatole Leonovich
360-421-8800

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

TO: SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

RE: PREDATORS OF THE HEART SPECIAL USE APPLICATION (PL22-0133)

Hello,

I am a 14-year Anacortes resident who frequently hikes throughout the Anacortes Forest lands, particularly the trails near Little Cranberry. Last year's news of escaped wolves killing a neighbor's dog was very distressing to hear. What if it was a small child? That was not the first time that wolves and other animals have escaped the enclosures at Predators of the Heart.

The location is much too close to residential homes and the very popular Anacortes Community Forest Lands. The special-use permit should be denied.

Sincerely,
Jessi Williams



Dear Skagit County Planning and Development,

I, Nolan Berlin, resident at 4548 Welch Lane, have become informed that recently Predators of the Heart (POTH) has applied for a special use permit application. I'm writing this letter today to voice my concerns as a very close neighbor to this operation.

One of my main concerns with POTH is safety. In the past, there has been multiple escapes of animals. I purchased my home and property in March of 2015 knowing there were animals (wolves) next door. I didn't really know what to expect. Within the first week of moving in, there was an escape. A black fox, not something you would see in the wild around here. I ran inside and grabbed a rifle not knowing what to expect with a wild animal that has been in captivity. A short time later, I saw four POTH employees wandering the neighborhood looking for the fox. Hours later, the animal was coaxed back into an enclosure. They were unable to catch it by hand which led to herding it back into a fenced area. No warning or heads up by staff to the neighbors at all about the escaped fox. A short time later, there was a wolf attack on a dog in the Anacortes Community Forrest Lands, a bordering public use area with multiple trails to hike, bike, horse back ride, and motorcycle. Dave Coleburn was offering tours in this great area with guests after visiting with the wolves. Unfortunately, the owner of the dog wandered down an illegal handmade trail made by Mr. Coleburn and was met by a wolf that pulled away from its handler and that was the last breath that dog ever took. So now in the short time that I had lived on Welch Lane, there were two escapes, one being deadly with a domesticated dog. Shortly after that happened there had been another escape with a young wolf that wasn't recovered until the next day. So there was a dangerous and confused wolf wandering overnight unsupervised. I know this organization says they have only had one escape ever and that's a huge lie.

Early in 2020 we were sitting in the living room of our home when a ladder firetruck showed up on the road in front of our house. They set up the stabilizer jacks and started lifting the ladder. Wondering what all the commotion was about we went outside to discover a loose macaw bird in the tree, squawking away, loud as can be. The attempt to capture the parrot was unsuccessful when approached by a human on the firetruck ladder. The bird eventually flew away closer to the POTH facility after disrupting the neighborhood. It was later captured.

Later in 2021, three wolves dug out under an outdoor, fenced, roaming area. It was about 9:30 AM. Unfortunately the neighbors dog was the target in this situation. The dog was quickly surrounded by three wolves in his front yard and completely shredded within minutes. POTH has lied to the community about the extent of the attacks and said the dog provoked the situation. A complete lie again. POTH attempted to offer the owner of the dog a sum of money to keep quiet about the situation.

Being a neighbor to this place has had high stress on me with having three sporting dogs used for waterfowl and upland game hunting. We are no strangers to wild and dangerous animals, but the animals POTH house are completely unpredictable. It's sad I have to fence in a dog on our five acre property for safety concerns of a wolf possibly escaping.

When POTH teamed up with Airbnb in 2017 more problems started. In one week, I had over a dozen cars driving past my house, down to our horse pastures looking for POTH. After a brief argument, proper signage was put up, but that didn't seem to help the traffic much. We still had sometimes up to four cars a day coming to our house at the end of Welch Lane. The traffic the airbnb has brought has been stressful on everyday life for us. Imagine sitting in your hot tub on your deck and watching a car with four people in it from Oregon scanning your property while the driver is lost looking to turn around in your yard. Unacceptable. This organization needs it's own access off Havekost if it is going to continue operations.

Another main concern I have is all of these animals are left unattended every night. No person lives on the 10 acer property with the animals. Living in the forest with high winds in the winter time, it's only a matter of time before a tree is blown down onto an enclosure and animals are escaping. In all reality, this is terrible location for POTH. Everyone I have talked to says they would like to see them relocate to a safer non-residential area. We use to get dead chickens, cow bones, and rotten meat dumped in our yard from ravens and crows taking it from the enclosures trying to get it back to their nest to eat.

We have recently brought my first son into the world to grow up on Welch Lane. The last thing I want to see is a wolf escape and kill a child. Possibly being my own. It doesn't need to come to that extent for the place to be shut down. I'm willing to do whatever it takes to keep POTH from expanding. Please leave open ears for the neighbors on Welch Lane who have had to live next to and deal with consequences from Predators of the Heart.

Thank you,

Nolan Berlin



5/5/2022

4548 Welch Lane
Anacortes, WA
98221

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Dear Skagit County Planning and Development,

I am a Welch Lane resident and I am strongly against Predators of the Heart (POTH) acquiring permits to expand their operations.

First off, Welch Lane is a private road, yet with all of the traffic that POTH's Airbnb experience brings, the lane feels very public. Since POTH has failed to post adequate directions to their establishment my driveway has become a turn around for their confused and lost customers. I've had up to four cars a day drive onto my property in search of POTH. This is very disrupting and avoidable if POTH didn't operate their business on a private road.

Secondly, POTH has proven they can't provide inescapable cages for their animals. Their wolves, foxes, and macaws have all escaped during my time of living on Welch Lane. I fear one of their cougars will escape next. Will my young son get attacked by a cougar or a wolf when he is out exploring his own property? I also have three dogs who love living on five acres. I have them fenced in most of the time, but I do let them out to run around my property on occasion. I worry that an escaped wolf will run onto my property and kill one of my dogs like the wolves did to my neighbors dog last fall. I shouldn't have to worry about these very potential scenarios. I could rest assured if POTH could keep their animals enclosed, but they can't. Why should they be approved to exist, let alone expand?

Thank you for taking the time to read my concerns,

Millicent Swietzer

Millicent Swietzer
5/5/2022

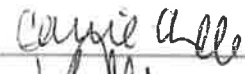




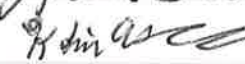

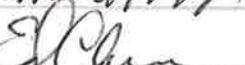
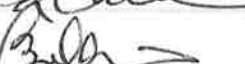

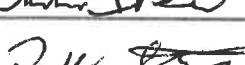


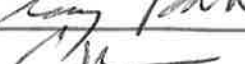
RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Petition

We, the undersigned, are in opposition of Predators of the Heart special use permit application

signature	Printed name	city	Phone number
	Carrie Apple	Anacortes	360-630-1830
	JUDE APPLE	ANACORTES	360 630 1839
	Jake Verschuyl	Anacortes	360 391 4988
	Eric Adam	Anacortes	720 560 3688.
	Julie Slater	Anacortes	360 970-6040
	K. QUINN HANNIS	ANACORTES	360-202-5211
	Austin Henks	Anacortes	360-610-2231
	Ed Clauson	Anacortes	360-770-8815
	Rob Billow	Anacortes	360-708-3069
	Charlie Drew	Anacortes	720-469-8803
	Tabb Stranger	Anacortes	360-720-1271
	Jim Kite	Oak Harbor	360 9140 201
	GARY PARKER	COUPEVILLE	360-678-6214
	Carl Fournier	Anacortes	360-914-7437

RECEIVED

APR 29 2022

SKAGIT COUNTY
PDS

I am opposed to the POTH Special Use Permit Application File # PL22-0133.

Foremost the safety of the local neighborhood is currently in jeopardy due to a complete lack of management of the property. The cyclone fencing is wholly inadequate in containing the animals, as evidenced by the history of them escaping their enclosures. The APD has dozens of encounters on file due to the owners lack of knowledge and lack of adequate containment practices. I'm sure the Sherrifs Department has a similar record trail.

The most recent escape by three wolves digging out under the fence resulted in them attacking and killing the neighbors family dog. One wolf was the instigator and then others quickly chimed in once the dismembering of the dog commenced. This incident was witnessed and video recorded by one of the family members. That would be something that should never be experienced by anyone, and can't be unseen.

The shame of it is that the owner of POTH then went on Facebook and blamed the incident on everything but themselves. They took zero responsibility. And now are trying to buy the silence of the dogs owner. This is not an isolated incident. More wolves from POTH attacked and killed another dog on the ACFL trails a few years ago.

There are many young children in the neighborhood, a few toddlers. We have three grandchildren and we should be able to let them play in our yard and as they get older explore and play on our property. That's one of the reasons we moved out here 33 years ago. To be able to enjoy the serene natural beauty this area offers.

There is zero regard for our concerns by POTH, just empty promises and/or silence.

No one from POTH lives on the property. So the individuals with first contact is us. We would then call them (Ashley Carr) and relay the message that their animal(s) are lose or to alert them of an incident (which is what happened last fall when our neighbors dog was killed).

In regard to enclosures the animals are simply behind cyclone fencing. Even if its double fenced any of the large trees in the area could easily drop the fence to the ground in a windstorm.

Another issue is cleanliness, the food scraps that are not consumed by the animals are dumped on the ground. We never had a rat problem before they moved in and now we pay for quarterly rat extermination and have bait traps and spring loaded traps around our home and garage. I question where the animal waste ends up. There is quite a foul odor up on Mitten Creek that is downstream of the POTH property. That stream eventually ends up at Alexander Beach.

We shouldn't have any negative impact on the neighborhood, it should be neutral or positive. POTH brings a huge negative and most likely reduces our property values.

Please consider our concerns and deny the SEPA

Regards,

Dave Knutsen

Knutsen
4592 Welch Lane
Anacortes WA 98221

SEATTLE WA 980

27 APR 2022 PM 2 1



Kevin Crichie
Skagit County Planning + Development/So
1800 Continental Place
Mount Vernon, WA 98273

98273-552500

POSTNET
98273552500

RECEIVED

APR 29 2022

WASH COUNTY
PDS

I am opposed to the Special Use Permit Application #PL22-0133 for POTH. I live on Welch Lane and am impacted by POTH in a negative way. Last fall our neighbors dog was killed and eaten by wolves that had dug out of their enclosure, came onto the neighbor's property and proceeded to attack and kill the family dog. That was just awful and heartbreaking for the family to witness. There are many small children that live out here and we ourselves have 3 young grandchildren. There is a huge concern for their safety and wellbeing. I am apprehensive of being outside of my house by myself and have concerns for my dog being safe also.

Since POTH has been in their current location we have had a rat infestation and have had to have a pest company come out and set traps. We have had a raven problem with them dropping old meat on our property.

There have been other instances when the wolves have escaped their enclosure and come on to neighbor's property, we have also had exotic birds that have gotten out of their enclosure. What we worry about are the wolves and cougars getting out. What is it going to take for POTH to be shut down or relocated, the killing of another dog or a child?

Regards,

Pam Knutsen

Knutsen
4592 Welch Lane
Anacortes WA 98221

SEATTLE WA 980
27 APR 2022 PM 6 L



Kevin Cricchio
Skagit County Planning + Development Services
1800 Cortindetal Place
Mt. Vernon, WA 98273

98273-562500



nutsen
Welch Lane
ss WA 98221

SEATTLE WA 980

27 APR 2022 PM 6 L



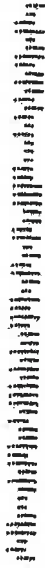
KEVIN CRICHTON

Skagit County Planning + Developmental Services

1800 Continental Place

Mt. Vernon, WA 98273

98273-562500



Public Comment/Concerns

RECEIVED
MAY 04 2022
SKAGIT COUNTY
PDS

Matt Kozera
4577 Welch Lane
Anacortes, WA 98221

Home location

I live on the property that borders to Southside of the POTH property

Personal impact

I first want to emphasize that Predators of the Heart moved into a well-established residential area many years ago. In my opinion they need to be in a place that is far from any communities that they can potentially endanger and be isolated away from the public. The reason I believe this, is because of my experience on October 19th, 2021. I was at work when I got a call from my family that 3 of the wolves next door from P.O.T.H had gotten out and was killing our small dog in front of my Wife and Mother in our front yard; I dropped what I was doing and got in my car to drive home. As I pulled into the driveway, I seen my father in-law was trapped in his car by one of the wolves and it came up to my Forrester and was so big it was looking me in the eye. My father in-law was yelling to me to stay in the car. I looked over to where my wife was and seen one of the wolves coming towards her as she was half inside our place yelling at the wolves that were playing tug-a-war with the dead body of our dog. So, I jumped out of my car to run into the house to get one of my guns, by the time I got it two of the workers had shown up and were attempting to gather up the wolves to not much avail so I put the gun down. Eventually they got the wolves and took them back to P.O.T.H. and right before animal control showed up I finally heard the crackling/bussing kick on of their electric fence to which I had not heard in a Very long time. After the incident P.O.T.H. posted on their Facebook page that their wolves were provoked but, in the police, report it states several times the attack was unprovoked. For several months I had dreams of the wolves getting out again and trying to attack my 3-year-old daughter.

Noise

We hear the wolves howling constantly throw out the day and night. It is so loud if you are outside you having trouble hearing the person you are talking to.

Community impact

We the community worry if we are safe in our own yards. I am heavily in opposition of P.O.T.H.'s current request.

Confused

1. How a sanctuary can operate as an air bnb,(non-profit).
2. How a facility can be unmanned for 20+ hours a day maybe even more.
3. How often a sanctuary is inspected to meet county standards/requirements.
4. How can a sanctuary continue to breed wolves and be sold for profit. It's for rescued animals and a non-profit facility, I thought?

Sincerely, Matt Kozera

RECEIVED
MAY 04 2022
SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS

File Number: PL 22-0133

Public Comment/Concerns

Breanne Kozera
4577 Welch Lane
Anacortes, WA 98221

Home location

The property I live on borders to Southside of the Predators of the Heart property

Public nuisance

Poth moved in next door when I was a child and my parents and our family had been well established on our property for years. It immediately raised concerns. I remember evenings when I was young my parents told me we couldn't play outside because some wolves had escaped the compound. It was such a terrifying thought to me. Over the years, things have gotten increasingly worse. We would have swarms of ravens and vultures circling the skies over us when they would feed their wolves. One time an aforementioned raven dropped a piece of this meat onto my father's grill during a BBQ. Just disgusting. Another giant nuisance has been the rats that POTH's feeding methods have brought into our area. We never, ever dealt with rats growing up. It was a foreign idea to me. Ever since POTH moved in and started feeding their wolves in less than sanitary conditions, we have had rat infestations. They have destroyed two separate sheds on this property, both of which were half full with my own belongings that I have since had to throw out. These belongings included precious things from my childhood with serious sentimental value. They were so destroyed, we had to dispose of them all. The noise from the wolves is an entire other issue. They are so loud when they start to howl (which they do multiple times a day) that I often cannot hear others speaking when we're outside and we have to wait until they are done to continue our conversations. Their birds are also VERY loud and the sounds they make are INCREDIBLY obnoxious. Some of the scariest things I dealt with while growing up was when the wolves would escape. I remember being told that they cornered the neighbor dog in their garage and that thought scared me so much.

All of this, all of this fear and discomfort and damage, doesn't hold a candle to what happened to me October 19th, 2021. It was one of the worst days of my life, and I'm still dealing with heavy trauma from the event. I awoke to step outside and find my dog being torn apart by 3 escaped wolves. If that wasn't enough, POTH proceeded to make a public statement saying that my dog provoked their wolves before the attack happened. My dog was inside until 30 seconds before he lost his life. They also claimed that the wolves came back when called in this statement. I have video of the wolves repeatedly resisting and running away from POTH staff. And, that was only once we finally were able to contact them to collect their wild animals. It took twenty minutes (of which I have video evidence) for us to get in contact with anyone from predators of the heart (including driving up to their front gate. No one was there, no one answered.). In their statement, they insinuate they were aware of the escape the entire time. But, it takes quite a while for 3 wolves to dig under fencing. We have photographs of where the wolves escaped from. Why was nobody paying attention to these animals? Why are the containments so easy for them to escape from? Why, after all this failed responsibility, would you go onto social media, and publicly put false claims, pointing fingers at the victims? If this isn't evidence enough of the shady practices occurring at Predators of the Heart, I don't know what is. I am still suffering from side effects of the PTSD I obtained that day. I am scared in my own front yard. We didn't let our 3 year old daughter play outside

for 6 months after this event. Thank goodness she was at preschool that day and not outside, as the attack took place feet from her playground. Who knows what would have happened had the 3 wolves found her playing outside? These are the things that still haunt me, daily. At my own home. Sounds at night still send me into a panic. My daughter, for months, talked about the wolves 'making her dead.' Occasionally she still talks about it. The damage POTH has done to my life is irreversible and immense. They need to leave this residential area and go to a place that is *SAFE* for these wild animals to be, far away from homes and innocent people.

The false claims Poth made that day is evidence of the fake persona they display to the public. People blindly follow the image and lies they create on social media and believe they are what they claim to be. As someone who lives closely enough to see the dark truth, I ask you take the blind followers support with a grain of salt. They are unaware of the horrible things that actually go on at POTH and the horrible things I have had to endure in my everyday life for many, many years.

Please, please, do not approve this request by POTH. I am begging you, as a mother of a young child and another small dog, please allow my family to finally be safe and feel safe in their front yard.

Sincerely,
Breanne Kozera

RECEIVED

MAY 04 2022

SKAGIT COUNTY
PDS

Best experience of my 80 years

My Best experience was when I came face to face with one of the most feared animals on earth, "The Wolf".

December of 2021 my daughter's birthday gift to me was a visit to Predators of the Heart in Anacortes.

One cannot just walk onto the property. On the day of our scheduled appointment we drove up to the entrance gate. Since it was securely locked my daughter called to let staff know we had arrived. A few minutes later a staff person escorted us inside the property. Once inside our small group of 6 was gathered together and given information on safety rules for the tour. Nothing raised any fear for me, just good common sense safety issues.

During our tour the staff interacted with the group in a very friendly and professional way. We were told how the wolves love to have their chests rubbed but not their paws. It was interesting to learn that wolves have their own unique personalities. They have been very misunderstood and horribly mistreated by humans.

The wolves were in several different enclosures. All wolves looked healthy and well cared for. Tails wagging, no snarls, no growls, only friendly barking and very curious looking wolf faces. They seemed as fascinated to see us as we were to see them.

We were allowed to pet only certain wolves. Yes, they love to have their chests rubbed!

My biggest joy was looking eye to eye with this beautiful Gods creature and howling together. My body felt the vibrations from his body.

What a gift. No evil wolf, just pure love connection.

Best Experience of My Life

Norma J. Cossel
Norma Cossel

6060 Sands Way #26
P.O. Box 1223
Anacortes, wa.
98221

PL-360-982-2471

For File # PL 22-0133

RECEIVED

MAY 09 2022

SKAGIT COUNTY
PDS

May 5, 2022

Regarding file# **PL 22-0133**

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

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

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

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

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

Sincerely,
Sarah Meyhoff
3809 Rockridge Pkwy
Anacortes, WA 98221

RECEIVED

MAY 04 2022

SKAGIT COUNTY
PDS

5-2-22

File # PL 22-0133

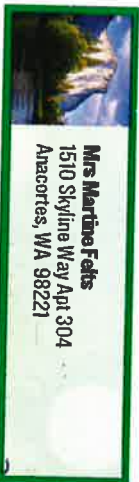
Comments on predators of the heart
Planning and development services

To Whom it may concern:

In regards to predators of the heart expansion.
I vote no. They already have quite a few
strikes against them. Their animals escape
routinely. There is no proof these animals
are rescued. Rather than let them expand
you should look into having them shutdown.

Sincerely,

Martine Felts
Anacortes, WA 98221



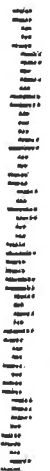
Mrs Martina Fatis
1510 Skyline Way Apt 304
Anacortes, WA 98221

SEATTLE, WA 980

MAY 2022 PM 3 L



Planning and Development
1800 Continental Place
Mount Vernon WA 98



98279-562500
File # PL 22-0133

RECEIVED

MAY 04 2022

SKAGIT COUNTY
PDS

5-2-22

File # PL 22-0133

Comments on predators of the heart
Planning and development services

To Whom it may concern:

In regards to predators of the heart expansion.
I vote no. They already have quite a few strikes against them. Their animals escape routinely. There is no proof these animals are rescued. Rather than let them expand you should look into having them shutdown.

Sincerely,

Martine Felts
Anacortes, WA 98221

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Jonathan M Fischer
2806 C Avenue
Anacortes, WA 98221

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed expansion of the Predators of the Heart facility. I am strongly opposed to this expansion due to the owners' lack of regard for the safety of the community and inability to keep the animals contained.

In 2018, a wolf from the Predators of the Heart facility killed my friend's dog, who was leashed. Since then, I have been appalled to learn that this happens every few years and is allowed to happen without consequence because the owner takes the animals to county fairs. This is absurd and can not be encouraged by allowing them to expand their facility.

Predators of the Heart is a liability for our community and a danger to our children and pets.

I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360)223-5360.

Sincerely,



Jonathan M Fischer

May 3, 2022
Skagit County Planning and Development Services
1800 Continental Place, Mount Vernon, WA 98273

RECEIVED

MAY 05 2022

SKAGIT COUNTY
PDS

Dear Skagit County Planning and Development Services,

I have recently learned from Ms. Kay Mackenzie that *Predators of the Heart* in Anacortes is attempting to expand its services. I am adamantly opposed to any expansion. In fact, I am opposed to *Predators of the Heart* being on the Anacortes Community Forestland (ACF) border at all.


The concept of dangerous, predator animals escaping into the community forest is an ever-present danger. And forest trail runners such as my wife and I are confronted with that thought every time we run in the forest. With the COVID-19 pandemic I have noticed many more people using the ACF, and with e-bikes undoubtedly soon to be allowed, there will be even more people...not to mention people, such as myself, who have been long-term landowners or live on the ACF border. This is simply a set-up for a senseless and tragic encounter one of these days, and I shudder at the thought of the civil lawsuits that will arise from that.

I have been running in the ACF for 22 years. At first there seemed to be no fence along the ACF-*Predators of the Heart* border. Then, there was a partial fence. Now there appears to be a fence but nothing whatsoever substantial enough to keep a wolf in. There was talk of using electronic restraints to keep the animals in, but I cannot conceive of how that would deter a wolf seeking to escape. The "*danger-wolf*" signs that the police have put up in the ACF send a chill down my spine every time I see them.

As a community police volunteer, I was appalled in 2012 when a wolf escaped, was tracking a person's dog, and was captured but essentially tore up the truck bed the police put the animal in to transport it back to *Predators of the Heart*. I have been further appalled every time since then, that a full-blooded wolf escapes or kills someone's pet.

Besides the danger to my family, the other frequent users of the ACF, and bordering land and homeowners, there is much documentation to substantiate maltreatment of the animals themselves over the years...which I'm sure you have available.

Bottom line, *Predators of the Heart* poses an exceedingly dangerous environment to the sizeable populace that uses the ACF. It has shown to be dangerous in the past and will continue doing so. Please do not allow any expansion. If possible, shut the operation down altogether!



Charles J. Davis
3916 West 6th Street
Anacortes, WA 98221

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Christina C Fischer
2806 C Avenue
Anacortes, WA 98221

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed expansion of the Predators of the Heart facility. I am strongly opposed to this expansion due to the owners' lack of regard for the safety of the community and inability to keep the animals contained.

In 2018, a wolf from the Predators of the Heart facility killed my friend's dog, who was leashed. Since then, I have been appalled to learn that this happens every few years and is allowed to happen without consequence because the owner takes the animals to county fairs. This is absurd and can not be encouraged by allowing them to expand their facility.

Predators of the Heart is a liability for our community and a danger to our children and pets.

I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360) 391-3084.

Sincerely,

Christina C. Fischer

Christina C Fischer

RECEIVED

MAY 06 2022

May 3, 2022

SKAGIT COUNTY
PDS

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

File Number PL-22-0133

Comments on Predators of the Heart Expansion Plan

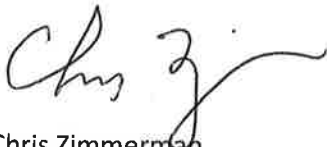
To Whom It May Concern:

We live right next to the Anacortes Community Forestlands Trail #10 trailhead and my family regularly walks along that trail that runs very close to the Predators of the Heart facility.

I am concerned in general with the operation of that facility so close to residential areas with the problems they have had over the years with animals getting out of their enclosures and running loose in the area. We have a 14 year old daughter who walks with a friend and if they were to encounter a wolf or two, I am not sure how they would do trying to defend themselves.

When I heard about plans to increase the size of their facility, I felt it was important to write about my concerns based on their past history of incidents. They can't afford to have any incidents to keep the citizens of Anacortes and other visitors safe when enjoying nature and they haven't lived up to that expectation.

Thank you for the opportunity to feedback on this issue.



Chris Zimmerman

2416 37th Street
Anacortes, WA 98221

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Comments on The Predators of The Heart
File#: PL22-0133
Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Hello,

I am writing in support of Predators of the Heart. My name is (Leonard) Lennie Iverson, and I have lived in Anacortes for 58 years, since I was 2 years old. I have been a supporter of Predators since its beginning in 1998. I have been involved in financial support, volunteer labor and I have also traveled with the former management to fairs, schools, churches etc. I am glad to know that under new management Predators no longer loads and travels with the animals, but instead focuses on their needs and the care of them for their best life. I stepped back from traveling with Predators because I did not feel that the animals were being cared for properly or given the best environment to live in. Now under the new management, I have seen this change from a traveling show to the rescuing and supporting of animals, and I have become involved again, as I know that Predators of the Heart is building its organization for the care and wellbeing of all animals. They are associated with Animal Control, Fish & Wildlife and others, being readily available when any need arises to rescue, protect, and care for them. The staff is very knowledgeable about the animals they take care of, and you can tell they have a true love for these animals.

Being able to conduct tours is good for Predators, as the proceeds go to help fund the feeding and care of these animals.

I think Predators is good for our community in that it brings people to our area which brings money into our local businesses. It can also be promoted by the town, which will help bring in these funds.

I would hope you get the opportunity to visit this establishment, as my involvement with them has enriched my life and has given me an appreciation for the animals

Sincerely,



Leonard Paul Iverson
1920 23rd Street
Anacortes, WA 98221
360-661-7823

RECEIVED

MAY 05 2022

SKAGIT COUNTY
FOS

FOR: Predators of the Heart

File# PL 22-0133

Comments on predators of the heart

Planning and development services

1800 continental place

Mount Vernon WA 99273

DO NOT LET PREDATORS OF THE HEART EXPAND!

Predators of the heart has been shady from the get go. They have been cited for negligence and neglect in the care of their animals by the USDA (the only people who will license them) several times over the years for not providing proper veterinary care, improper dilapidated housing and bedding for the animals, too little space for some of them, and even not enough water in some of the cages. Their animals escape routinely, once destroying a cop car (the owner lied to the police and told them they were rounding up a white German Shepard. Not a wolf. Putting them at risk) and most recently attacking and killing a neighbors pet after being loose for several hours.

These animals aren't "rescued" from anywhere. They are bought and sold, to and from other facilities like this one (for example they sell to the Olympic game farm, which has also been cited for animal abuse) and none of these animals are endangered. This is no different than the tiger king. When the county tried to shut them down the first time, they brought in a bunch of militia to stand guard, and stated that they would not listen to the courts ruling if they were asked to shut down. The county asked them to just stop breeding and taking in new animals and they could keep what they had, and instead they decided to bring in the armed militia.

We have an escape in 2012 that lasted for over 18 hours, in 2017 where someone's dog was killed, one again in 2018 where 3 wolves got loose and killed yet again another persons dog. That's not including the one this last fall.

This brings us to the change of ownership. Allegedly David Coleburn's daughter and ex wife now runs the place. What wasn't really known about was how that came about. According to court documents, erratic and dangerous behavior at POTH has been the norm for a long time. And all the while POTH was pretending like everything was just fine. We had an owner who would play with loaded weapons around guests, sexually harass other employees, and even ask employees to starve an alligator because he didn't want to clean up its poop. During the change of hands employees were locked out of the animals area, and went hungry and dirty. This is by the admission of the current owner. The animals by their own admission were fed inappropriate food, given no to poor vet care, and negligence. This is only coming to light because there was a hostile takeover of the facility by David Coleburns daughter and ex wife.

They say they want to run the facility better than David Coleburn did. But did they alert the community when he was committing this behavior before? No. They continued working for and with him. Maybe they are better than he was, but the fact is they covered for him for years. And then the most recent attack on a pet was under their watch. And they lied about it to the public. Their official statement says that the attack was provoked, when the police reports say otherwise. So it seems to be more of the same.

Justin, Tasha, Nash and Paige Kirby

3966 Rockridge Pkwy.

Anacortes, WA 98221

425-647-4755



RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application
with optional SEPA DNS

File Number: PL 22-0133

Public Comment/Concerns

Michelle Elizabeth Berlin

1918 24th St

Anacortes, WA 98221

Home Location:

Our home is Northeast from POTH property

Public Nuisance:

Its discouraging to go to the forest lands where signs of warnings are posted. I thought we lived in a safe community? This is very disturbing

Personal Impact:

My In-laws live on the Southside border to POTH and we can't let our children out to play without constant supervision due to the many reported escapes of the wild animals.

Noise:

When visiting my In-laws there is constant animal noise, or construction.

Confused:

Why do we continue to allow this type of facility with all the reported animal escapes/neglect? Why would we want to expand this "non-profit" at all? Much less with the same family caring for these animals. I think we would be a whole lot safer if they were shut down all together,

→

How has this "non-profit" been able to operate as an airbnb at all? How can this "non-profit" be able to breed animals for profit when they claim to be a rescue?

There are many reports/court documents that indicate they've been breaking out and killing domestic pets, what is the county prepared to do about this, much less if a human/child is attacked - or, heaven forbid, killed.

Please help make our community safer by shutting this facility down altogether!

Sincerely,
Michelle Berlin
Michelle Berlin

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application
with optional SEPA DNS
File Number: PL 22-0133

Public Comment/Concerns

Brandon Michael Berlin
1918 24th St
Anacortes, WA 98221

Public Nuisance

Personal Impact

Noise

Odors

Community Impact

Conclusion

Confused

1. How a sanctuary can operate as an air bnb, (non profit)
2. How a facility can be unmanned for 20+ hours a day maybe more.

3. How often a sanctuary is inspected to meet county standards/requirements.
4. How can a sanctuary continue to breed wolves and be sold for profit. It's for rescued animals and a non-profit facility, I thought?

Sincerely, Brandon Borlin


RECEIVED

MAY 09 2022

SKAGIT COUNTY
FDS

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

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


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

**COMMENTS ON THE PREDATORS OF THE HEART
FILE#: PL22-0133
PLANNING AND DEVELOPMENT SERVICES
1800 CONTINENTAL PLACE
MOUNT VERNON, WA 98273**

RECEIVED
MAY 06 2022
SKAGIT COUNTY
PDS

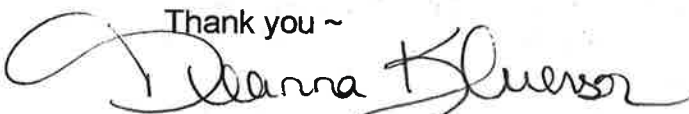
Good Afternoon,

My name is Deanna, I am a lifelong resident of Anacortes, Washington, having been born and raised here since 1962. I am writing to let you know how important Predators of The Heart is to our community. I have followed them since they began in November 1998. I am excited that our community has a place like this to be able to truly care for animals. They are not a place for animals to be "collected for display", but they are an asset and resource for people in our surrounding area and beyond. Predators has recently undergone a leadership change, which was necessary, so this company can now provide the needed services they offer in the proper manner. The improvements which have been, and are being made, to this organization are phenomenal and show how much the employees care for these animals. Predators is connected with the Fish & Wildlife, Animal Control, USDA and other entities and help them in areas of need, such as confiscation of abused animals, a safe place for animals to live out their lives who would otherwise need to be euthanized, and restoration of animals who are sick, being able to restore them to their proper health and if legally permitted, return them to their owners. The organizations which they work with also include schools, churches, Make-A-Wish Foundation, and NAS Whidbey, who has called on them to care for situations on the Base. They have traveled to areas such as King, Snohomish, Skagit, Island, and Pierce Counties, and other areas to help State organizations rescue abused, hurting, and illegal animals. Animals help our world survive and Predators offers educational experiences and also tours through Airbnb to people so we can learn and grow from this knowledge regarding our animal world around us. The people who work at Predators are very well educated in animals and their jobs, and have a true heart for the care and survival of animals of all kinds. This show this in the diligent and tiring work that they do day in and day out, 24 hours a day, 7 days a week. We should feel fortunate to have such an organization in our community to be a resource to draw from for the animal kingdom.

They are also a revenue for the city of Anacortes and neighboring cities. People from all over the world have visited Predators of The Heart for an educational wildlife encounter, thus helping with the support and care of the animals. The visiting guests need places to sleep, eat, shop, gas up their vehicles and visit many of our attractions here in our community. People patron businesses upon the recommendations received from Predators of The Heart.

We would love to see Predator's remain in our community to help further the connection of a world between animal and people.

Thank you ~



Deanna Kay Iverson
1920 23rd Street
Anacortes, WA 98221
360-941-5602

From: [Gina Mousseau](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Friday, May 13, 2022 11:06:50 AM

From Dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, May 13, 2022 10:00 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Robin Neuman
Address : 3943 Rockridge Parkway
City : Anacortes
State : WA
Zip : 98221
email : Robincharlotte@sbcglobal.net
PermitProposal : Predators of the Heart
Comments : Dear Sir/Madam,

I have only been to this facility once. It was a wonderful life changing and mind blowing experience. At that time the facility was not under the management of M's. Carr, it was under her fathers management and I must admit he was part of the exciting energy.

I have met, by circumstance, visitors to Anacortes who are here to visit the facility only.

Now that people are traveling again I have quite the schedule of guests coming to visit. Taking them to Predators of the Heart is definitely on my list.

I note you have quoted a Skagit reporter about the death of a dog in past years. You might want to dig a bit deeper into the situation. The reporter did NOT.

Obviously, my vote is 'yes'. Please help to keep this wildlife sanctuary open and available with all the restrictions needed.

Thanking you in advance.

Sincerely,
Robin Neuman

From Host Address: 24.19.240.171

Date and time received: 5/13/2022 9:56:04 AM

RECEIVED

MAY 06 2022

May 3, 2022

SKAGIT COUNTY
PDS

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

File Number PL-22-0133

Comments on Predators of the Heart Expansion Plan

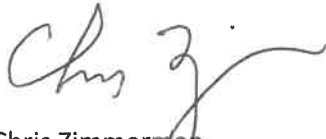
To Whom It May Concern:

We live right next to the Anacortes Community Forestlands Trail #10 trailhead and my family regularly walks along that trail that runs very close to the Predators of the Heart facility.

I am concerned in general with the operation of that facility so close to residential areas with the problems they have had over the years with animals getting out of their enclosures and running loose in the area. We have a 14 year old daughter who walks with a friend and if they were to encounter a wolf or two, I am not sure how they would do trying to defend themselves.

When I heard about plans to increase the size of their facility, I felt it was important to write about my concerns based on their past history of incidents. They can't afford to have any incidents to keep the citizens of Anacortes and other visitors safe when enjoying nature and they haven't lived up to that expectation.

Thank you for the opportunity to feedback on this issue.



Chris Zimmerman

2416 37th Street
Anacortes, WA 98221

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Christina C Fischer
2806 C Avenue
Anacortes, WA 98221

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed expansion of the Predators of the Heart facility. I am strongly opposed to this expansion due to the owners' lack of regard for the safety of the community and inability to keep the animals contained.

In 2018, a wolf from the Predators of the Heart facility killed my friend's dog, who was leashed. Since then, I have been appalled to learn that this happens every few years and is allowed to happen without consequence because the owner takes the animals to county fairs. This is absurd and can not be encouraged by allowing them to expand their facility.

Predators of the Heart is a liability for our community and a danger to our children and pets.

I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360) 391-3084.

Sincerely,



Christina C Fischer

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Jonathan M Fischer
2806 C Avenue
Anacortes, WA 98221

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed expansion of the Predators of the Heart facility. I am strongly opposed to this expansion due to the owners' lack of regard for the safety of the community and inability to keep the animals contained.

In 2018, a wolf from the Predators of the Heart facility killed my friend's dog, who was leashed. Since then, I have been appalled to learn that this happens every few years and is allowed to happen without consequence because the owner takes the animals to county fairs. This is absurd and can not be encouraged by allowing them to expand their facility.

Predators of the Heart is a liability for our community and a danger to our children and pets.

I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360)223-5360.

Sincerely,



Jonathan M Fischer

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS
File Number PL 22-0133

Public Comment/Concerns

May 3, 2022

Jonathan M Fischer
2806 C Avenue
Anacortes, WA 98221

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed expansion of the Predators of the Heart facility. I am strongly opposed to this expansion due to the owners' lack of regard for the safety of the community and inability to keep the animals contained.

In 2018, a wolf from the Predators of the Heart facility killed my friend's dog, who was leashed. Since then, I have been appalled to learn that this happens every few years and is allowed to happen without consequence because the owner takes the animals to county fairs. This is absurd and can not be encouraged by allowing them to expand their facility.

Predators of the Heart is a liability for our community and a danger to our children and pets.

I sincerely hope that you consider the families living around the Predators of the Heart facility before allowing this expansion to proceed. I would be happy to discuss this further if you need more information. I can be reached at (360)223-5360.

Sincerely,



Jonathan M Fischer

RECEIVED

MAY 06 2022

SKAGIT COUNTY
PDS

Comments on The Predators of The Heart
File#: PL22-0133
Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Hello,

I am writing in support of Predators of the Heart. My name is (Leonard) Lennie Iverson, and I have lived in Anacortes for 58 years, since I was 2 years old. I have been a supporter of Predators since its beginning in 1998. I have been involved in financial support, volunteer labor and I have also traveled with the former management to fairs, schools, churches etc. I am glad to know that under new management Predators no longer loads and travels with the animals, but instead focuses on their needs and the care of them for their best life. I stepped back from traveling with Predators because I did not feel that the animals were being cared for properly or given the best environment to live in. Now under the new management, I have seen this change from a traveling show to the rescuing and supporting of animals, and I have become involved again, as I know that Predators of the Heart is building its organization for the care and wellbeing of all animals. They are associated with Animal Control, Fish & Wildlife and others, being readily available when any need arises to rescue, protect, and care for them. The staff is very knowledgeable about the animals they take care of, and you can tell they have a true love for these animals.

Being able to conduct tours is good for Predators, as the proceeds go to help fund the feeding and care of these animals.

I think Predators is good for our community in that it brings people to our area which brings money into our local businesses. It can also be promoted by the town, which will help bring in these funds.

I would hope you get the opportunity to visit this establishment, as my involvement with them has enriched my life and has given me an appreciation for the animals

Sincerely,



Leonard Paul Iverson
1920 23rd Street
Anacortes, WA 98221
360-661-7823

From: [Gina Mousseau](mailto:Gina.Mousseau@co.skagit.wa.us)
To: [Kevin Cricchio](mailto:Kevin.Cricchio@co.skagit.wa.us)
Subject: FW: PDS Comments
Date: Monday, May 9, 2022 11:38:42 AM

From Dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, May 6, 2022 4:30 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Christopher Harris

Address : 4653 Welch Lane

City : Anacortes

State : Wa

Zip : 98221

email : Redbeard5451@hotmail.com

PermitProposal : PL22-0133

Comments : My family and I live near Predators of the Heart and have enjoyed the wolf howls coming from their property since we moved in.

That said, we are also concerned with the death of our neighbors family dog, last October, which occurred on their property by three loose wolves. The way Predators of the Heart handled this incident by blaming the victim dog, not taking responsibility and publicly omitting any fault of their own in order to sway the opinion of the uninformed is shameful.

Predators of the Heart needs to ensure the safety of the community and make this their priority above all else.

From Host Address: 50.34.98.200

Date and time received: 5/6/2022 4:28:12 PM

From: [Gina Mousseau](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Monday, May 9, 2022 11:38:04 AM

From Department email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Friday, May 6, 2022 4:15 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Maren Mansfield
Address : 4653 Welch Ln
City : Anacortes
State : WA
Zip : 98221
email : marencita@mac.com
PermitProposal : PL22-0133

Comments : My family and I live on property very near Predators of the Heart. We have always enjoyed the howling of the wolves but have become more concerned about safety with the history of wolves escaping. The dog that was killed by 3 escaped wolves was my next door neighbor. The response from POTH on Facebook blamed the incident on an unleashed dog, which is legal in the county and should not be an excuse. A zoo could not blame an escaped tiger on being provoked by a dog. I am concerned that they didn't take more responsibility and blamed it on an outside force. This showed me they were more concerned with swaying public opinion than the safety of the community. I would be happy to continue to be neighbors with them if they took full responsibility for themselves and made the safety of all their number one concern.

From Host Address: 50.34.98.200

Date and time received: 5/6/2022 4:14:16 PM

RECEIVED

MAY 09 2022

SKAGIT COUNTY
PDS

May 5, 2022

Regarding file# **PL 22-0133**

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

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

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

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

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

Sincerely,
Sarah Meyhoff
3809 Rockridge Pkwy
Anacortes, WA 98221

RECEIVED

MAY 09 2022

SKAGIT COUNTY
PDS

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

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


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

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Thursday, May 5, 2022 4:23:04 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, May 5, 2022 3:10 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : R GAY BUNKER
Address : 14331 Van Luven Pl
City : Anacortes
State : WA
Zip : 98221
email : gbunker47@gmail.com

PermitProposal : Conditional-use permit for Predators of the Heart

Comments : Predators of the Heart is not only a great teaching tool but A huge resource for the rescue of all animals needing help. I took my 2 graduating high school grandchildren last summer on a tour there that they will always remember. The tour guides were so knowledgeable about all the different animals and the interaction with the wolves was phenomenal.

You would be doing a great disservice to not allow them to continue their work and teaching. It is a great sanctuary and education conservation.

From Host Address: 98.97.35.154

Date and time received: 5/5/2022 3:07:36 PM

From: [website](#)
To: [Planning & Development Services](#)
Subject: PDS Comments
Date: Monday, May 2, 2022 5:35:07 PM

Name : Marcela Vorel
Address : 4265 Lange Ter
City : Anacortes
State : WA
Zip : 98221
email : marcelavorel@icloud.com
PermitProposal : PL22-0133

Comments : It's shocking this is even up for debate after a dog was recently killed by three wolves that escaped from Predators of the Heart in Oct 2021. This was the 2nd of such an occurrence. In September 2017, two leashed wolves broke away and killed the dog of a hiker in the Little Cranberry Lake area.

Considering this "sanctuary" is next to the Anacortes Forest Lands where many people recreate with their dogs, Predators of the Heart should be relocated where it doesn't pose a danger given their lack of security, if not shut down altogether.

This is not a wildlife "sanctuary." It's a petting zoo without proper security.

From Host Address: 24.22.255.220

Date and time received: 5/2/2022 5:34:10 PM

From: [Gina Mousseau](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Thursday, May 5, 2022 11:45:57 AM

From Department email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Thursday, May 5, 2022 7:15 AM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : JoAnn York-Gilmore

Address : 2708 Gee Lane

City : Anacortes

State : WA

Zip : 98221

email : Joannyorkgilmore@yahoo.com

PermitProposal : Predators of the Heart containable use permit

Comments : Thank you for finally requiring a conditional use permit for this organization and its activities. This activity is located too close to residential and recreational areas used by the public. In addition, previous deadly incidents involving animals who escaped their enclosures are unacceptable. This is not a suitable activity for this area. Thank you

From Host Address: 24.19.243.130

Date and time received: 5/5/2022 7:12:04 AM

From: [website](#)
To: [Planning & Development Services](#)
Subject: PDS Comments
Date: Monday, May 2, 2022 5:25:04 PM

Name : Grant Johnson
Address : 4265 Lange Ter
City : Anacortes
State : WA
Zip : 98221
email : grant.m.johnson78@gmail.com
PermitProposal : PL22-0133

Comments : Predators of the Heart should not only have their current Special Use Permit application to expand their operation denied, they should also have their current Special Use Permit revoked. Just recently they allowed their wolf/dog hybrids to kill a neighbor's pet. I live just across the hill from them and was taking my dog for our morning walk when I heard the commotion. They have a terrible track record for keeping their animals contained and have been responsible for several pet deaths. We have spoken with many other residents of the area and everyone lives with a nagging fear of the next escape and what could happen to our pets, our children and loved ones and to ourselves.

Predators of the Heart is also not a wildlife sanctuary, but a pay-to-play zoo. They currently run an AirBnB where you can pay large sums of money to stay overnight and pose for pictures with the wolf/dog hybrids. Unfortunately the Skagit PDS comment submission will not allow me to past a URL but a quick search on AirBnB will show their operation.

Overall their operation is incompatible with the character of rural Fidalgo Island and a threat to public safety.

From Host Address: 24.22.255.220

Date and time received: 5/2/2022 5:22:27 PM

From: [Planning & Development Services](#)
To: [Kevin Cricchio](#)
Subject: FW: PDS Comments
Date: Thursday, April 28, 2022 3:22:41 PM

From dept email

From: website@co.skagit.wa.us <website@co.skagit.wa.us>
Sent: Tuesday, April 26, 2022 5:30 PM
To: Planning & Development Services <planning@co.skagit.wa.us>
Subject: PDS Comments

Name : Dave Knutsen
Address : 4592 Welch Lane
City : Anacortes
State : WA
Zip : 98221
email : dknutsen1@frontier.com
PermitProposal : File # PL22-0133

Comments : I am in opposition of this SEPA for an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property.

The owners have demonstrated time and again an unwillingness to consider safety of the neighboring property owners. The animals have escaped from the enclosures many times as documented by the local Anacortes Police Dept. records and Skagit County Sheriffs Department. This repeated negligence has only resulted in the destruction of two pet dogs to date. This is a small area with several homes with families with small children. When will the county take action to prevent a more catastrophic incident when a small child is encountered by one of the wolves or cougars. Just today I spoke with an individual, Bruce Mullins, who used to volunteer at POTH with his wife Lisa, he recounted multiple incidents of safety violations involving the wolves. Since those incidents he nor his wife volunteer or want anything to do with POTH.

None of the owners or operating staff live on the premises. If an animal escapes its up to us, the neighbors to report sightings. The enclosures are cyclone fencing, with trees surrounding the area. A tree that is fallen on a fence line due to the wind will then allow the animals a clear path to our neighborhood or the forest lands (ACFL). The animals have also dug out from under the fence. I have photos documenting this. They dug out from the fence to enter our neighbors property and killed and ate their family dog last fall. I had to call Ashley and tell her that several of the wolves had escaped and had destroyed a neighbors dog. She was not aware since she wasn't on the property. But when she tried to explain the incident on Facebook she said that her staff had discovered the missing animals and that they returned to their enclosures on call within several minutes of their escape. That is an absolute false statement. They were out of the enclosures and roaming our neighborhood for over 20 minutes. The staff that did finally retrieve them were visibly shaken during this incident. Now POTH is trying to buy the silence of the dog owners whose dog was killed.

These are wild animals with wild animal DNA. Once one of the animals gets a blood scent its like a frenzy. Like blood in the water and sharks.

They feed to animals scraps donated and purchased to a lesser degree from various business' in the area. They also bred rats for feeding the animals and now the neighborhood has a rat infestation

from escaped rodents. We never had rats in the area prior to their business location here. The animal waste is washing down into a local stream (Mitten Creek) which then feeds several small ponds and further polluting downstream waterways, which flows to Alexander Beach. The neighborhood was established long before POTH moved in. Why should their inclusion into our area now force us to alter our living patterns. We moved out into this wooded area to enjoy getting away from the hustle and bustle of the city, to enjoy the serene countryside. We already put up with the howling and the noise of the other animals, but we shouldn't have to worry about being stalked or worse yet our children or grandchildren being injured or worse. The operators of POTH are doing an abysmal job of managing their business. Creating a grave safety concern for the neighborhood. Any letters of support for POTH will come from people that do not live in the area and do not have to put up with the noise, safety, or health concerns that the neighborhood has to contend with. Please do not allow this SEPA to be granted.

Dave Knutsen

From Host Address: 50.34.122.13

Date and time received: 4/26/2022 5:28:33 PM

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

RECEIVED
APR 25 2022
SKAGIT COUNTY
PDS

RE: FIRE # PL 22-0133

Dear Skagit County Leaders,

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

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

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

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

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

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

Regards,

Colin & Deanna Emsley

RECEIVED

APR 27 2022

SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS

File Number: PL 22-0133

Public Comment/Concerns

Edward P Borlin Jr.
4577 Welch Lane
Anacortes, WA 98221

Home location

Our property borders to Southside of the POTH property

Welch Lane Easements

AF # 199406200058 under the *"Literal Interpretation Section"*

"The literal interpretation of the zoning ordinance would deprive the applicant of the ability to complete a previously started short Plat."

"There have been total of four (this variance makes five) variances considered for the use of this road. Some of the variances overlapped, making for a great deal of confusion in the regard to what is required."

"If the variance is approved, it appears that although, all of the properties accessed by welch lane may not all be developed, once the short plat associated with this parcel is approved, there can no further subdivisions utilizing welch lane. The reason for this is the current interim controls, as well as other regulations."

What I remember is that anything after this approval, the road would need to be brought up to county standards because it could not support any more traffic under it's current condition. For whatever reason the short plat that was approved for the POTH property and is in violation of this variance AF # 199406200058 requirements. The real concern is if more traffic is on the current road, it cannot handle the proposed development. This is why county requirements are needing to be implemented upgrading the road to county standards, if for some reason this gets approved.

Recurring Uncontained Wild Sanctuary Animals

Since POTH has been near us there have been several occurrences of their animals getting out of their containment. What I have personally experienced are the foxes, the macaw bird, and three wolves! The three wolves attacked and killed my daughter's dog in front of me and my daughter. This occurred on my property. My immediate neighbors have experienced different loose wolves and cougars. I understand that both Skagit County and City of Anacortes has many more occurrences on record (I have not validated personally but my neighbors have). I know of two instances that we were not notified of animals on the loose, (wolf and a cougar), both were overnight occurrences. In my opinion there is no excuse for wild sanctuary animals getting out of their containment. Even with the promises in the application the plan for upgrading is not enough. With the large trees and the damaging seasonal winds, it is a matter of time that trees would crush the containments allowing wild sanctuary animals to run loose.

Personal impact

We have lived on this property for 30 years. Until POTH joined our neighborhood, we had no rats. Since then, the rats took over 2 storage sheds and totaled our 36-foot Class A motorhome. They ate all the wiring. In the winter rats made nests in my BBQ. It was a \$1800.00 stainless steel BBQ. I had to toss it away! Couldn't stomach the idea of using it again. We now have to set rat food out to keep them from taking over our house and property. Everyone around us does the same thing.

Ravens/Crows have flown over our house with chunks of meat that they picked up from POTH. One time I was Barbecuing on my deck and a chunk landed on my BBQ. Truly disgusting!

Life forever impacted

The trauma that follows an incident is real. The incident is the one where the three wolves dug under the POTH fence and then attacked and killed my daughter's dog. She watched it, so did I! What really bothers me is if my 3 year old granddaughter was out there at the time of the attack. She was at school. To this day I find myself looking over my shoulder all the time. Night-time also is tough to be out on my property. We routinely have family and friends over including grandkids. We have to keep a close eye on them in case wolves show up again. Not fun!

Odors

Currently there is a sewage smell by the POTH south fence line. I mention that because in the past there have been odors that have come from the POTH property that smells dead. In fact it draws turkey buzzards, ravens and eagles overhead. Summertime is when it gets really bad.

Community is very naive

In all fairness the surrounding communities are pretty naïve about the POTH impact. Some may hear the wolves howl from a distance and may enjoy it. But being right next to them is different. Mostly the wolves and the macaw's. The social media following is rattled with false accusations and praise only to mask the neighborhood nuisance and fears outside the fence line. They just don't know what's true! Most of their input is not valid.

Conclusion

When all is said and done it's not the wild sanctuary animal's fault for being noisy, producing terrible odors, getting out of their containment, attacking... it is the owners of POTH. It's location is in the wrong place! It should have never been allowed to be so close to the Anacortes community lands/ neighborhoods. The current traffic is already too much for Welch Lane so approving this application cannot be supported by Welch Lane and cannot meet county road standards for proper traffic control. That's why I think that it is time to stop this train wreck now.

Confused

1. How a sanctuary can operate as an air bnb,(non-profit).
2. How a facility can be unmanned for 20+ hours a day maybe even more.
3. How often a sanctuary is inspected to meet county standards/requirements.
4. How can a sanctuary continue to breed wolves and be sold for profit. It's for rescued animals and a non-profit facility, I thought?

Sincerely, Edward P Borlin Jr.

Edward P Borlin Jr. DATE 4/25/2022

RECEIVED

APR 27 2022

SKAGIT COUNTY
PDS

Predators of the Heart Notice of Development Application with optional SEPA DNS

File Number: PL 22-0133

Public Comment:

Lynne Borlin

4577 Welch Lane

Anacortes, WA 98221

Public Comment/Concerns

Our property connects South of the POTH property. There is not one family that lives in the vicinity of POTH that has anything positive to say about this group. Wild animals should never live in cages close to people's homes. We did not move out to this property to be afraid. Poth did not own that property when we bought our land and they should be asked to leave and relocate some where safer for all involved.

We have seen the Wolves out running on our land 2 times. (And there have been other times we are aware of that we were not involved in) We have seen fox out running on our land 2 times. And we have seen a Macaw flying around, which brought POTH employees out running on our land. These animals/birds escaped the confines meant to keep them in. If it has happened before, it WILL happen again. Although the bird is not a threat, the fox and the wolves are.

My daughter's dog was killed by 3 of POTH wolves that had dug their way out of their enclosure and came onto our property where my daughter had to watch her dog be pulled apart by these 3 wolves. That was a tragic, horrifying day, and afterwards we questioned "What if this had been her 3-year-old daughter? Or our 1-year-old grandson?" We have 4 grandchildren that play out there. I am in constant thought, and fear on how to handle it if the wolves come running around the corner again.

The fencing for the wolves, we understood had electric wiring around the base of the fence. It wasn't on, too much vegetation. And...the wolves dug out. Also, the wiring is now on, as we now hear a snap, which we did not hear before. There is no one that continually keeps POTH accountable for their actions.

They are not supposed to breed the animals. But they do. Ashley Carr and I were talking one day as we sat, waiting for tires to be put on our cars. She told me she had gotten a huge dog (I can't remember the kind of dog she said, because I was in shock about what she was telling me) and was going to breed it with the wolves. This is just something that shows, they don't follow the rules given them.

The noise we get from the POTH enclosure is crazy. We don't understand how anyone in a home could own a Macaw. It is excruciatingly LOUD.

Before POTH arrived in our neighborhood, we never, ever had a problem with RATS. Mice yes, rats, not ever. POTH raised rats for their animals and, all the sudden they were all over our neighborhood. Our motorhome was totaled by rats eating away at the wiring. POTH is just irresponsible in every aspect of their business.

When the wolves killed our daughter's dog my husband ran out to the car and drove over to POTH only to find there was no one there. We had to find Ashley's phone number, call her, and then wait for them to come. We constantly worry about a tree falling in the middle of the night on an enclosure and having a bob cat or cougar running loose.

This is the stuff we have to live with and it is not right!

Please, please do not grant any new development to happen over there. We need them to leave, move on, before one of my grandkids or another child in the neighborhood gets hurt or, God forbid, killed.

Please consider all that those of us living close to this encloser go through.

Thank you,

Lynne Borlin

A handwritten signature in cursive script that reads "Lynne Borlin".

4/25/2022