

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

**For: Predators of the Heart**

**File Number: PL22-0133**

**PROJECT DESCRIPTION:** On March 23, 2022, Skagit County Planning & Development Services received an application for a Special Use Permit (PL22-0133) to allow for the operation of an Animal Preserve Wildlife Education, Conservation, and Sanctuary Center on the subject property. The subject property lies within the Rural Reserve zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps. The subject application was deemed complete on April 15, 2022.

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

**CONTACT:** Ashley Carr; 6128 Parkside Drive, Anacortes, Washington 98221

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

**LEAD AGENCY:** Skagit County Planning and Development Services.

Skagit County Planning and Development Services has determined that, with appropriate mitigation, this project does not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures in Skagit County Code, Skagit County's Comprehensive Plan adopted under RCW 36.70A, and in other applicable local, state, or federal laws and rules, provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Chapter 16.12 Skagit County Code and Chapter 43.21C RCW. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

**MITIGATION MEASURES:**

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, must be in place prior to the placement of any fill material. The applicant must maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Stormwater Management Ordinance.

2. The applicant must comply with Northwest Clean Air Agency (NWCAA) requirements.
3. The applicant must comply with the provisions of Chapters 14.32 and 16.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces. Best Management practices must be utilized throughout the life of the project.
4. This project may be subject to a National Pollutant Discharge Elimination Systems (NPDES) permit. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Northwest regional Office at (206) 594-0000.
5. The applicant must comply with both Skagit County Building and Fire Code Standards.
6. The applicant must comply with all relevant provisions of Chapter 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance). Any future development, clearing of vegetation, and/or disturbance of soil must remain outside of the PCAE as shown on AF#200903240122.
7. The proposal, and site development, must comply with all applicable requirements of SCC 14.16.320 regulating the underlying Rural Reserve Zoning District.
8. Should any human remains, archaeological, historic, or cultural materials be discovered during construction, work in the affected area must cease immediately and the area must be secured. Within 24 hours of the discovery, or as soon thereafter as possible, the developer must notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation, and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required, the project developer must retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area may only continue when in conformance with applicable state and federal laws.
9. Electrical Safety: The applicant/landowner must obtain electrical permits from the Washington State Department of Labor and Industries (L&I) for all electrical work. Copies of permits must be kept on site and available. All electrical systems currently installed and/or to be installed, must be permitted, inspected, and approved by the Washington State Department of Labor and Industries (L&I). These electrical systems must be inspected annually, with all records readily available to the county and the city upon request.
10. Development must comply with all requirements of the **Skagit County's Public Health Department** including but not limited to:
  - A. Operations with employees require connection to an approved public water source.
  - B. Meet the requirements of Skagit County Solid Waste Code SCC 12.16. A solid & hazardous waste permit is required.

11. Development must comply with **Skagit County's Fire Marshall's Office**, including but not limited to:
  - A. Access must meet the Skagit County Standards for commercial use for driveway width and turnarounds for emergency apparatus.
  - B. Property and buildings must meet the 2018 IFC Standards for commercial use. Required to schedule a fire inspection in part of the Special Use Permit and inspection must be completed prior to any scheduled events.
  - C. Gated entrance to have emergency access (KNOX) installed and emergency procedure plan to be provided to responders.
  - D. Property is located within the wildland-urban interface (WUI) and further fire code will apply during permitting review of the buildings.
  - E. Identify the availability of fire flow and distance to the nearest hydrants.
  
12. Development must comply with all requirements of the **City of Anacortes** including but not limited to:
  - A. Per AMC 13.24.030, a backflow prevention device must be installed. Please contact the City of Anacortes Public Works Department for more information and a permit. This backflow prevention device must be installed immediately and in accordance with City standards.
  - B. Water connection: The applicant must obtain and pay for all costs associated with ensuring its connection to the City water system is properly sized for its intended use. Additionally, because the applicant is changing its use from the residential connection to a commercial use, the applicant must install all required backflow prevention devices determined to be required by the City.
  
13. Development must comply with all requirements of **Skagit County's Planning & Development Services Department** including but not limited to:
  - A. **Signage**: Onsite signage must include contact information where neighbors and governmental officials can get ahold of Predators of the Heart staff 24 hours a day 365 days a year with concerns, complaints and/or emergencies. This information must also be placed on the POTH company's website clearly viewable and accessible to all.  
  
A sign must be placed outside of the main gate listing the managers cell phone number where complaints and/or concerns can be made 24 hours a day 365 days a year.  
  
Along perimeter fencing, the applicant must install signs indicating that the property is private and that there are wild animals located on the property. Signs must be placed every 50 feet along all property boundaries including the Anacortes Community Forest Lands (ACFL).

- B. The applicant/landowner must also provide all property owners within 600 feet of the subject property a 24-hour contact phone number where neighboring property owners can call to report concerns, complaints and/or emergencies.
- C. The applicant must obtain a land survey of the subject property from a Washington State licensed land surveyor if property corners, and boundaries are not known.
- D. All wolves, wolfdogs, and any non- *felis catus* cats (e.g., cougars, mountains lions, bob cats, etc.) and similar carnivorous and potentially dangerous animals that are onsite must always be placed/housed in 6-sided metal fenced enclosures when staff is not present such as breaks, afterhours, the weekend, holidays, etc.
- E. All animal waste must be disposed of in approved manner per Skagit County Public Health Department and the Waste Management company that serves the subject property. Contact these offices for more information and specifics on the matter.
- F. The applicant/landowner must have at a minimum a bi-annual joint inspection by both Skagit County and City of Anacortes Animal Control offices. The onus is on the applicant to arrange this joint meeting with county and city staff. All recommendations made by city and county staff during this visit must be followed.

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

- G. All parking associated with the business must be onsite and must not include Skagit County or City of Anacortes road right-of-way(s), private roads, or neighboring private/public properties.
- H. **Emergency Response:** Should it be determined that any of the animals housed onsite escapes, the manager/staff and/or applicant/landowner must immediately lockdown the business and fences and call the Skagit County Sherriff's Office, Skagit County Animal Control Office, Skagit County Planning and Development Services Department, City of Anacortes Police Department, City of Anacortes Animal Control Officer, City of Anacortes Fire Department, City of Anacortes Parks & Recreation Department, and abutting/contiguous neighboring landowners informing them of this emergency. Predators of the Heart must also inform these parties what actions and response they are taking to capture any escaped animals. The applicant/landowner must have a standard call out list which at a minimum includes all of the parties that are listed above.

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

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

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

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

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

- 3) A **secondary perimeter fence** is required that is at least five (5) or more feet inward from the primary perimeter fence. The secondary perimeter fence must also meet the same standards as the primary perimeter fence.
- 4) **Below Grade Fencing**: Both the primary and secondary perimeter fences and gates must have chain link fencing installed that adjoins the ground. For both primary and secondary perimeter fencing, concrete with reinforced mesh must extend two (2) feet vertically into the ground and be attached to the base of the chain link to prevent animals from digging out.

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

- 5) All entrances and exits must have double gates and be at least eight (8) feet tall. Latches must be secure and lockable. Fencing must be attached to the inside of the gate so that the framework cannot be used as a ladder.
- 6) As discussed above, perimeter fencing must be installed around the entire subject property. No Variance is required for 8-foot fencing (above ground) with two (2) foot tip out (to prevent animals from escaping) on the respective property lines provided a Commercial Building Permit is first approved for it.

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

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

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

- 2) There must be **perimeter checks of the wolves' daytime enclosures** daily to look for vulnerability, including fallen trees, damage or tunnels by animals, broken fence or wiring, etc. These daily inspections should be reported in a daily log and along with any work plans to complete needed repairs. Emergency repairs should be fixed immediately. These daily logs must be made available to city or county officials upon request.
- L. The applicant must hire a **ISA Certified Arborist a minimum of 3 times per year** to evaluate the trees along the fence lines (internally and external to the property). Evaluations and the action necessary to mitigate the hazard must be paid for by POTH. All records related to arborist reports, mitigation requirements, and repair work must be available to the county and city upon request.
- M. The applicant/landowner must install both motion detected lights that monitor the area within the perimeter fencing and surveillance video equipment that automatically alerts the facility's manager via cell phone of movement within the perimeter fencing and/or encroachment by an animals within.
- N. Electronic surveillance measures must be used at all times by staff to monitor the operation remotely from afar during afterhours, weekends, and holidays.
- O. The wildlife preserve must be manned at all times. When the facility is closed, a caretaker must be present on the property
- P. When wolves, wolf hybrids, bobcats, cougars, or similar animals that are a threat to humans are allowed outside of their 6-sided enclosures into fenced in run areas, GPS, VHF, or similar tracking collars must be placed on the animals.
- Q. The applicant/landowner must comply with all USDA requirements. Should there be a conflict in what the USDA requires, the applicant/landowner must contact Skagit County Planning & Development Services Department to coordinate the appropriate response.
- R. There is no maximum number of animals that Predators of the Heart may house onsite provided they meet all USDA standards/requirements and Skagit County Code including but not limited to Chapter 7.04 regulating potentially dangerous wild animals.
- S. Following Special Use Permit approval, the applicant/landowner must provide Skagit County Planning & Development Services and the City of Anacortes' Parks and Recreation Department with a revised site plan that shows including but not limited to:
  - 1) Location of all property corners/lines for the subject property
  - 2) Location of the 2 required perimeter fences
  - 3) Location of all double fenced entrances and gates
  - 4) Location of all animal enclosures. Identify what animal species are where.

- 5) Location of all existing structures (and proposed) onsite including any caretaker Residence
  - 6) Location of onsite parking for staff and guests
  - 7) Location of any onsite critical areas, associated buffers, and/or protected critical area assessment easement (PCAEE)
- T. Development must comply with all requirements of the Skagit County Planning & Development Service’s Building Division including but not limited to:
- 1) All structures – (Buildings under a 120 Square Feet with heat or plumbing, All Buildings structures over 120 S.F, Cages, Fences over 7’ tall, containers) requires a building permit and engineering.
  - 2) Permanent restrooms are required on site for employees and guest.
- U. Outdoor burning: The applicant must follow safe outdoor burning protocol along with seasonal burn bans.
- V. Operation limitations: The applicant must not engage in any unsafe practices involving wolves or similar carnivorous animals.

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 days from the date of the publication below.

Written comments must be received no later than 4:30 PM on: **November 18, 2022**

*Email correspondence **will not be accepted***, however comments may be submitted via the PDS website under the “*recent legal notices*” tab. ([www.skagitcounty.net/pdscomments](http://www.skagitcounty.net/pdscomments))

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with the Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the closing of the above-described comment period.

Appeals must be submitted no later than: **December 2, 2022**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services

CONTACT PERSON: Kevin Cricchio, Senior Planner

MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273

PHONE: (360) 416-1423

Date: **November 1, 2022**

Signature: **Kevin Cricchio, AICP**

*On behalf of* Hal Hart, Planning & Development Services Dept. Director

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

**Date Transmitted to Skagit Valley Herald: November 1, 2022**

**Please Publish in the Skagit Valley Herald: November 3, 2022**