



Appeal or Request for Reconsideration

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

File #: **PL22-057**
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SKAGIT COUNTY
PDS
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Appeal

What are you appealing?

- Appeal of an Administrative Interpretation/Decision/Action to the Hearing Examiner
- Appeal of an Administrative Order to Abate (code enforcement order) to the Hearing Examiner
- Appeal of Impact Fees to the Hearing Examiner (impact fees must be paid) (SCC 14.30.070)
- Appeal of Hearing Examiner Decision/Action to the Board of County Commissioners
- Request for Reconsideration of a Hearing Examiner Decision (SCC 14.06.180)

File # of Appealed Decision or Permit	MDNS for PL22-0133	Appeal Fee	\$	PDS will calculate
Date of Appealed Decision or Permit	November 3, 2022	Publication Fee	\$	PDS will calculate

PDS staff: do not accept appeal form without full payment of fees

Appellant

Standing to appeal Permit applicant Party of Record Party subject to code enforcement order Other

Name Edward & Lynne Borlin, David & Pamela Knutsen, Nolan Berlin & Millicent Swietzer, and Kevin & Jenny Welch

Address 11363 Spinnaker Lane

City, State Anacortes, WA **Zip** 98221 **Phone** (306) 708-8516

Email kevin@sschussboomer.net **Signature**

KEVIN P. WELCH

Attorney or Representative

None

Name David Perez, Perkins Coie

Address 1201 Third Avenue, Suite 4900

City, State Seattle, WA **Zip** 98101 **Phone** (206) 359-6767

Email DPerez@perkinscoie.com

Attachments

For any of the **appeals** listed above, please attach a concise statement with numbered responses to the following questions.

1. What is your interest in this decision?
2. How are you aggrieved by the decision you are appealing?
3. What are the specific reasons you believe the decision is wrong?
e.g. erroneous procedures, error in law, error in judgment, discovery of new evidence
4. Describe any new evidence.
5. List relevant sections of Skagit County Code.
6. Describe your desired outcome or changes to the decision.

For a request for **reconsideration** of a Hearing Examiner decision, attach a statement identifying the specific errors alleged.

PL22-0577
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DEC 2 2022
SKAGIT COUNTY
PDS

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12 BEFORE THE HEARING EXAMINER
13 IN AND FOR THE COUNTY OF SKAGIT, WASHINGTON
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15

16 **In the matter of the Appeal of Skagit**
17 **County SEPA Mitigated**
18 **Determination of Nonsignificance**
19 **for File No. PL22-0133**
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24
25

No. PL22-0133

**NOTICE OF ADMINISTRATIVE
APPEAL**

26
27 **I. Introduction and decision being appealed**
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29 Edward and Lynne Borlin, David and Pamela Knutsen, Nolan Berlin and Millicent
30 Swietzer, and Kevin and Jenny Welch (collectively, "Appellants") respectfully submit this
31 Notice of Appeal pursuant to SCC 16.12.210 and SCC 14.06.110(8) to request that the
32 Skagit County Hearing Examiner reverse and vacate the Mitigated Determination of Non-
33 significance ("MDNS") issued by the Skagit County Planning and Development Service
34 ("PDS") on November 3, 2022 for Application PL22-0133, submitted by Predators of the
35 Heart ("Predators") on March 23, 2022. The MDNS conditioned Predators' proposal, but
36 ultimately determined that Predators can house and commercially exhibit dozens of danger-
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1 ous wild animals in a residential neighborhood. Predators submit this Notice of Appeal pur-
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3 suant to SCC 16.12.210(1), SCC 16.12.210(2), SCC 14.06.110(8), and the instructions in the
4
5 MDNS, attached hereto as Exhibit A. *See* Ex. A at 7 (“Appeals must be submitted no later
6
7 than **December 2, 2022**.”).¹
8
9

10 Washington’s State Environmental Policy Act (“SEPA”) requires the lead agency to
11
12 obtain reasonably sufficient and accurate information to evaluate the environmental impacts
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14 of a proposal before issuing a threshold decision. Here, the MDNS concluded that Predators’
15 Application, as mitigated, will not significantly impact the environment. But that threshold
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17 determination was based on crediting numerous false statements and omissions in Predators’
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19 Application. Issuing the MDNS based on incomplete and inaccurate information is plain er-
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21 ror, irrespective of the mitigation measures imposed. Appellants therefore request that the
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23 Hearing Examiner reverse and vacate the MDNS.²
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31 ¹ Additionally, Appellants file this appeal to protect their rights to bring SEPA claims in a separate
32 appeal of the first governmental action taken in reliance on the threshold determination. The County’s
33 Code (*see* Ex. at 7; SCC 16.12.210(1)), appears to impermissibly bifurcate a SEPA appeal from
34 an appeal on the underlying governmental action, contrary to the dictates of SEPA. If the County
35 “permits an appeal of the threshold SEPA determination . . . that appeal must be tied to the underly-
36 ing government action—for example, the government decision to grant or deny a CUP.” *Ellensburg*
37 *Cement Products, Inc. v. Kittitas Cnty.*, 179 Wn.2d 737, 744-45, 317 P.3d 1037 (2014); RCW
38 43.21C.075(3). Because a major purpose of SEPA “is to combine environmental considerations with
39 public decisions, any appeal brought under this chapter shall be linked to a specific governmental
40 action.” RCW 43.21C.075(1). “In other words, an agency or local government cannot provide an
41 appeal of only the SEPA threshold determination.” *Ellensburg Cement*, 179 Wn.2d at 745. State law
42 bars a county from allowing for a SEPA appeal if the county does not also provide for an appeal of
43 the underlying governmental action. *Id.*
44

45 ² This Notice of Appeal specifically challenges the County’s threshold determination under SCC
46 Chapter 16.12, which incorporates SEPA; it does not address the illegality of the Special Use Permit
47 requested under Skagit County law. *See, e.g.*, SCC 7.04.030(1) (“A person may not own, possess,

1 **II. Names, addresses, and interest of Appellants**
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3 1. Appellants' names and addresses are as follows:
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5 Edward and Lynne Borlin
6 4577 Welch Lane
7 Anacortes, WA 98221
8

9
10 David and Pamela Knutsen
11 4592 Welch Lane
12 Anacortes, WA 98221
13

14 Nolan Berlin and Millicent Swietzer
15 4548 Welch Lane
16 Anacortes, WA 98221
17

18 Kevin and Jenny Welch
19 11363 Spinnaker Lane
20 Anacortes, WA 98221
21
22

23 2. Appellants have an interest in Predators' Application to secure a special use
24 permit to exhibit dangerous wild animals in a residential neighborhood because Appellants
25 live in close proximity to Predators' facility. They are therefore directly affected by the un-
26 safe conditions, noise, invasions of privacy, traffic, and other impacts generated by Preda-
27 tors' operation. Appellants timely submitted comments in response to both the Application
28 and the MDNS, and therefore have standing to appeal the MDNS as a party of record in an
29 open record public hearing. SCC 14.06.160(2).
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45 keep, harbor, bring into the County, or have custody or control of any potentially dangerous wild
46 animals[.]"). All legal arguments concerning the County's issuance of a Special Use Permit will be
47 brought in a separate appeal. *See supra*, note 1.

1 3. Appellants are represented in this appeal by David A. Perez, Alison R. Ca-
2
3 ditz, and Hannah Parman, Perkins Coie, 1201 Third Avenue, Suite 4900, Seattle, Washing-
4
5 ton, 98101-3099.
6
7

8 **III. Specific reasons why the MDNS is wrong**
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10 The MDNS should be reversed and vacated because it (1) is based on false state-
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12 ments by Predators and (2) failed to consider reasonably sufficient information necessary to
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14 account for environmental impacts.
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16 **A. The MDNS was procured by misrepresentation.**
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18 4. The MDNS should be withdrawn because it was procured by misrepresenta-
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20 tion and lack of material disclosure. *See* WAC 197-11-340(3)(a)(iii).
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23 5. Both Predators' Application and its subsequent letter to the County respond-
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25 ing to comments (attached as Exhibits B and C, respectively) are **riddled with false**
26
27 **statements on critical issues, including escapes from its facility.** Predators' Applica-
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29 tion claimed that in "23 years, we have had only one escape," which it blamed on a dog. Ex.
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31 B at 3. But in its subsequent letter to the County, Predators represented that in "over twenty
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33 (20) years, POTH has had only two escapes," and then, paragraphs later, that "[t]here have
34
35 simply been no escapes." Ex. C at 5, 7; *see also* Ex. C at 8 ("No wolves have escaped.").
36
37 Predators' assertions are both internally inconsistent and irreconcilable with publicly availa-
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1 ble information **identifying at least four escapes**, including articles describing an escape
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3 in 2012, two in 2017 (one of which Predators ignores, Ex. C at 10), and another in 2021.³
4

5 6. Predators’ misrepresentations do not end there. Predators claimed that it
6
7 “does not breed animals,” Ex. C at 9, but admitted under oath in a separate lawsuit filed by
8
9 Appellants that its wolves were all bred at the facility. *See* Predators’ Resps. to Pls.’ First
10
11 Disc. Reqs. at 8 (attached as Exhibit D). And Predators represented to the County that
12
13 “[t]here is no planned expansion” (*see* Ex. B at 69), yet it has said in recent social media
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15 videos that it wants to expand its facility and house more animals. *See* Predators of the
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17 Heart, Facebook (Nov. 4, 2022, at 2:10 PM), *available at*
18
19 <https://www.facebook.com/watch/?v=1065490137459442/> (last accessed on Dec. 1, 2022).
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24 7. Predators likened its wolf hybrids to Bernese Mountain dogs and Jack Russell
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26 Terriers (Ex. C at 8-9) despite the County’s 2014 finding that wolf hybrids are “inherently
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28 dangerous, as they are not normally domesticated and pose unique threats to human life due
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30 to their physical and temperamental characteristics, including their strength, speed, and un-
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32 predictability.” Skagit County, Wash., Ordinance # O20140001 (2014). The County found,
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34 contrary to Predators’ mischaracterization, that “wolf hybrids, often larger in size than either
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36 the wolf or dog from which they were bred, have been the source of a number of attacks on
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38 people—mostly children—that have resulted in severe injuries and several deaths.” *Id.*
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45 ³ *See Warning Signs in Anacortes Community Forest Lands*, City of Anacortes (Dec. 26, 2017) (attached as
46 Exhibit E); Jacqueline Allison, *Anacortes Community Forest Lands Trails Back Open after Wolves Captures*,
47 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.

1 8. Predators also misrepresented that it has possessed all its potentially danger-
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3 ous wild animals since before 2007, including its cougars. Ex. C at 1, 3. Predators recently
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5 attested, in response to interrogatories, that one of its cougars “was conceived by accident
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7 approximately ten years ago,” *i.e.*, around 2012. Ex. D at 13. Many more of Predators’ dan-
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9 gerous wild animals were likely born in the last fifteen years. Indeed, Predators’ social me-
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11 dia accounts have publicized its young wolf puppies, which Predators was unlawfully breed-
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13 ing as recently as 2017. Predators was illegally selling these animals (*see* Ex. D at 12) but
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15 presumably kept at least some to advance its own business. **The MDNS is based on**
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17 **Predators’ false statements and should be withdrawn on that basis alone.**
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21 9. Predators’ misrepresentations also necessitate stringent oversight and ac-
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23 countability measures by an independent third party to ensure that the County’s mitigation
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25 measures are enforced. To the extent the MDNS is retained, conditions should be added that,
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27 at a minimum, require Predators to (1) become (and remain) an accredited member of an
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29 independent oversight organization, such as the American Zoo Association; (2) obtain an
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31 insurance policy with the County (\$50 million aggregate, \$10 million per occurrence),
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33 which names all adjacent landowners as additional insureds; and (3) submit annual financial
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35 plans to the County that guarantees its animals will be cared for in perpetuity.
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1 **B. The MDNS is not based on reasonably sufficient information to**
2 **evaluate environmental impacts.**
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4 10. The MDNS is clearly erroneous because PDS failed to obtain reasonably suf-
5 ficient information to evaluate the environmental impacts of Predators' proposal before issu-
6 ing a threshold determination. *See* WAC 197-11-355.
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8

9 11. Incomplete SEPA Checklist. The MDNS should be reversed because Preda-
10 tors failed to submit a complete SEPA Checklist. *See* WAC 197-11-335, 197-11-335. Most
11 obviously, in the section requiring Predators to provide a "brief, complete description" of its
12 proposal, "including the proposed uses and the size of the project and site," Predators wrote:
13 "ANIMAL PERSEVE [sic] PERMIT - NO PROJECTS AT THIS TIME." Ex. B at 69.
14 Predators did not provide *any* answer in the section addressing "[l]ocation of the proposal,"
15 which requests "sufficient information for a person to understand the precise location of
16 your project[.]" Ex B at 69-70.
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30 12. More generally, Predators responded with "None" or "N/A" to nearly every
31 question. In the few instances where Predators provided a response other than "None" or
32 "N/A," Predators failed to provide the necessary detail to aid the County in its decision. For
33 example, the Checklist requires Predators to describe "[w]hat types and levels of noise
34 would be created by or associated with the project on a short-term or long-term basis[.]" Ex.
35 B at 75. Predators responded: "[n]atural animal noises at time but minimal." *Id.* That re-
36 sponse fails to provide the full scope of Predators' noise impacts and overlooks the impacts
37 of Predators' operations associated with traffic, construction, and other activities. The SEPA
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1 Checklist is not intended to be an aspirational description of a proposed project. It is meant
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3 to provide the lead agency with an accurate, honest description to aid the environmental re-
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5 view. Predators' SEPA Checklist responses are plainly insufficient.
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8 13. No review of transportation impact. Predators' SEPA Checklist falsely stated
9
10 that no "vehicular trips" would be generated each day by the completed proposal. Ex. B at
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12 79. And although it seeks to run a commercial operation—drawing up to 120 visitors per
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14 week using a non-commercial single-lane gravel road—Predators represented that no im-
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16 provements would be required to existing roads. Ex. B at 79. Predators' Checklist also failed
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18 to "describe proposed access to the existing street system" and "the approximate distance to
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20 the nearest transit stop," simply responding: "None" or "N/A". Ex. B at 78.
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24 14. Beyond imposing limits on parking, the MDNS ignored transportation im-
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26 pacts. Ex. A at 4. Predators' proposed tours⁴—which would run six days a week, twice a
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28 day—bring a consistent stream of commercial traffic onto a single-lane gravel road, without
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30 turnouts, that is meant to serve four residential properties, not a business drawing up to 120
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32 visitors per week. Nor did the MDNS address whether Predators even has legal roadway ac-
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34 cess for its commercial use, through an easement or otherwise.
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38 15. To the extent the MDNS is retained, tours should be limited to two per day,
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40 on weekdays and non-holidays from 9:00 am to 5:00 pm. Predators should also be required
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45 ⁴ Although the County instructed Predators in February 2022 to cease operations pending review of
46 its proposal, Predators continued offering tours through at least July 2022, as evident from Airbnb
47 customer reviews posted up until that date.

1 to secure appropriate easements for commercial access to its property, improve access roads
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3 to commercial standards, enter into a roadway maintenance agreement with all roadway
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5 constituents, and agree that no signs can be placed on nearby properties.
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8 16. Insufficient review of effects on nearby properties. Both the Application and
9
10 the MDNS failed to address the effects of Predators' proposal on nearby residential proper-
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12 ties. Regarding the effect of "current land uses on nearby or adjacent properties," Predators
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14 wrote: "Adjacent properties have Personal sawmill, livestock, and off road quad and dirt
15
16 bike track." Ex. B at 76. Predators simply ignored that its commercial wildlife compound
17
18 housing dozens of dangerous wild animals is surrounded by residential homes with children.
19
20 It disregarded both the safety risks and invasions of property created by its proposal.
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24 17. The MDNS also failed to sufficiently account for the impact on the surround-
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26 ing neighbors generated by Predators' proposal, which, again, misrepresented the number of
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28 escapes from the facility and failed to take responsibility for the sole escape it does
29
30 acknowledge. Although the MDNS imposed various mitigation measures to decrease the
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32 likelihood of escapes and increase safety, those conditions are insufficient to ensure the safe-
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34 ty and well-being of the neighborhood. If the MDNS is retained, the County should require,
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36 in addition to the conditions imposed, that *certified* staff be on site at all times (not simply
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38 that the property be manned); that the emergency contact list be expanded to include all
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40 property owners within 0.25 miles of the facility (not simply "abutting/contiguous neighbor-
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42 ing landowners"); and that all existing makeshift fencing be removed.
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1 18. Nor did the MDNS account for the safety of visitors to Predators' facility.
2
3 Predators offers regular paid tours of its facility during which members of the public are al-
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5 lowed "to touch, photograph and even howl with wolf dogs." Airbnb, *Howling with Amba-*
6
7 *sadors*, <https://www.airbnb.com/experiences/47240> (last accessed on Dec. 1, 2022). Indeed,
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9 recent customer reviews—including as recently as July 2022—mention petting and taking
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11 photos with wolves, and even being licked by them. The MDNS's vague observation that
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13 Predators "must not engage in any unsafe practices involving wolves or similar carnivorous
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15 animals" is hardly sufficient, and could be interpreted as rubberstamping direct contact be-
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17 tween members of the public and wolf hybrids. Ex. A at 7. Nor did the MDNS expressly bar
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19 Predators from breeding and selling dangerous wild animals—unlawful activities that result-
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21 ed in Predators' large and problematic population of wolf hybrids in the first place.
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26 19. Insufficient review of recreation. Predators represented that its proposed pro-
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28 ject would not displace any existing recreational uses but disregarded the effect of its opera-
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30 tion on visitors to the nearby forestlands, including safety risks. The MDNS did not address
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32 the impact of the proposal on recreation. As discussed above, the conditions imposed by the
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34 MDNS to increase safety are insufficient to protect individuals from the dozens of danger-
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36 ous wild animals housed by Predators.
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40 20. No review of aesthetic impact. The MDNS did not address how certain miti-
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42 gation measures, while increasing safety, would have a negative aesthetic impact on the
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44 community. 10-foot fencing with barbed wire, lighting, and surveillance cameras abutting
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1 Predators' property line (while lowering the likelihood of escape) would decrease the value
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3 of neighboring properties, many of which residents have owned since before Predators ar-
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5 rived. To the extent the MDNS is retained, the County should (1) require setbacks of 35'
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7 from all sides for fences, buildings, pens, and enclosures; and (2) require Predators to land-
8
9 scape so that its fencing and security systems are not visible from adjacent properties.
10

11
12 21. No review of noise impacts. Neither the Application nor the MDNS ad-
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14 dressed noise impacts. As noted above, the SEPA Checklist submitted by Predators failed to
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16 meaningfully address the "types and levels of noise [that] would be created by or associated
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18 with the project," including "what hours noise would come from the site." Predators simply
19
20 wrote: "Natural animal noises at time [sic] but minimal". Ex. B at 75. Regarding
21
22 "[p]roposed measures to reduce or control noise impacts," Predators wrote: "N/A". Preda-
23
24 tors did not address the types of noise, source of noise, level of noise, or time at which the
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26 noise occurs, let alone provide any data from which PDS could assess whether Predators'
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28 proposal would create undue noise. Acknowledging and understanding the impacts of noise
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30 is necessary to sufficiently review project impacts under SEPA.
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35 22. The MDNS said nothing at all about noise impacts, even though Predators'
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37 facility is surrounded by residential homes and despite numerous public comments from
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39 Predators' neighbors (including Appellants) describing excessive noise from Predators' doz-
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41 ens of howling wolves and other wild animals. The County itself noted in its 2015 lawsuit
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43 against Predators that "[t]he noises from the wolves, cougars, and scavenging birds are
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1 neighborhood irritants.” See Mot. for Summ. J. at 8, *Skagit Cnty. v. Coleburn*, No. 15-2-
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3 00509-2 (2014). If the MDNS is retained, a noise study, at a minimum, should be conducted
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5 to ensure that noise levels do not exceed permissible levels.
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8 **IV. Relevant sections of Skagit County Code**

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10 The legal framework for this appeal involves SEPA, Chapter 43.21C RCW and
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12 Chapter 197-11 WAC, as well as the following sections of the Skagit County Code and re-
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14 lated jurisprudence:
15

16
17 23. SCC 14.01.900 (Special Use Permit Requirements). This section provides the
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19 requirements a project applicant must fulfill to obtain a special use permit.
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22 24. SCC 14.06.110(11). The appellant bears the burden of proving that the deci-
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24 sion of the administrative official was clearly erroneous.
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27 25. SCC 14.06.070(2) (Integration of SEPA review with development permit re-
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29 view). Requires developments to be reviewed in accordance with the policies and proce-
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31 dures of Chapter 16.12 SCC, SEPA, and Chapter 197-11 WAC.
32

33
34 26. SCC Chapter 16.12 (State Environmental Policy Act). This Chapter incorpo-
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36 rates SEPA. An agency that determines that a project proposal will not result in a significant
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38 impact bears the burden of demonstrating “that environmental factors were considered in a
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40 manner sufficient to be prima facie compliance with the procedural dictates of SEPA.”
41
42 *Bellevue v. Boundary Rev. Bd*, 90 Wn.2d 856, 867, 586 P.2d 470 (1978). For example, the
43
44 threshold determination must be based on information sufficient to evaluate the proposal’s
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1 environmental impact. *Boehm v. City of Vancouver*, 111 Wn. App. 711, 718, 47 P.3d 137,
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3 141 (2002). In addition, a court will not uphold a DNS unless the record demonstrates that
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5 the government gave actual consideration to the environmental impact of the proposed ac-
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7 tion or recommendation. *Id.* An incorrect threshold determination will be vacated because it
8
9 thwarts SEPA's policy to ensure the full disclosure of environmental information so that en-
10
11 vironmental matters can be given proper consideration during decisionmaking. *Norway Hill*
12
13 *Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 273, 552 P.2d 674 (1976)).
14

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17 27. SCC 16.12.020, incorporating WAC 197-11-060 (content of environmental
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19 review). Agencies must "carefully consider the range of probably impacts, including short-
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21 term and long-term effects. Impacts shall include those that are likely to arise or exist over
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23 the lifetime of a proposal or, depending on the particular proposal, longer." WAC 197-11-
24
25 060(4)(c).
26
27

28
29 28. SCC 16.12.070 (Purpose). This section incorporates WAC 197-11-330,
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31 which establishes the threshold determination process.
32

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34 29. SCC 16.12.100 (Environmental Checklist). This section requires a the project
35
36 applicant to provide "a completed environmental checklist (or a copy), in the form provided
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38 in WAC 197-11-960[.]" The checklist "shall be filed at the same time as an application for a
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40 permit, license, certificate, or other approval not specifically exempted in this Chapter." The
41
42 County "shall use the environmental checklist . . . for making the threshold determination."
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1 V. Desire outcome/relief requested
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3 30. Appellants respectfully request the following relief:
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- 5 a. An order reversing the MDNS and requiring that (1) PDS withdraw the
6 MDNS, and (2) that Predators submit complete and truthful information con-
7 cerning the impacts of its proposal, as discussed above; and
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9
10
11
12 b. Such other and further relief as the Hearing Examiner may deem just and eq-
13 uitable.
14
15
16

17 DATED: December 2, 2022
18



19
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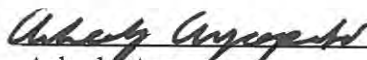
CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on the date indicated below, I caused a true and correct copy of the foregoing **NOTICE OF ADMINISTRATIVE APPEAL** to be served on the following persons via the methods indicated below:

Kevin Cricchio, Senior Planner
Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

- Via U.S. Mail, 1st class, postage prepaid
- Via Legal Messenger
- Via Facsimile
- Via Overnight Mail
- Via email

DATED this 2nd day of December, 2022 at Seattle, Washington.


Arkady Ayrapetov
Legal Practice Assistant

PL22-0577
RECEIVED
JUN 2 2022
SANTA FE COUNTY
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EXHIBIT A

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

For: Predators of the Heart

File Number: PL22-0133

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

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

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

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

LEAD AGENCY: Skagit County Planning and Development Services.

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

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

MITIGATION MEASURES:

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

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

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

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

Along perimeter fencing, the applicant must install signs indicating that the property is private and that there are wild animals located on the property. Signs must be placed every 50 feet along all property boundaries including the Anacortes Community Forest Lands (ACFL).
 - B. The applicant/landowner must also provide all property owners within 600 feet of the subject property a 24-hour contact phone number where neighboring property owners can call to report concerns, complaints and/or emergencies.
 - C. The applicant must obtain a land survey of the subject property from a Washington State licensed land surveyor if property corners, and boundaries are not known.
 - D. All wolves, wolfdogs, and any non- *felis catus* cats (e.g., cougars, mountains lions, bob cats, etc.) and similar carnivorous and potentially dangerous animals that are onsite must always be placed/housed in 6-sided metal fenced enclosures when staff is not present such as breaks, afterhours, the weekend, holidays, etc.

- E. All animal waste must be disposed of in approved manner per Skagit County Public Health Department and the Waste Management company that serves the subject property. Contact 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 Sheriff's Office, Skagit County Animal Control Office, Skagit County Planning and Development Services Department, City of Anacortes Police Department, City of Anacortes Animal Control Officer, City of Anacortes Fire Department, City of Anacortes Parks & Recreation Department, and abutting/contiguous neighboring landowners informing them of this emergency. Predators of the Heart must also inform these parties what actions and response they are taking to capture any escaped animals. The applicant/landowner must have a standard call out list which at a minimum includes all of the parties that are listed above.

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

- I. The applicant/landowner must comply with the following **fencing standards**:
 - 1) The entire subject property for POTH must have **primary perimeter fencing** installed around the entire subject property. At a minimum, the perimeter fencing and gates must consist of 9 gauge, 2" square, 8' chain link fencing with metal support poles set in concrete spaces no more than 6 feet apart.
 - 2) The perimeter fence must be a minimum eight (8) feet in height (above grade), with at least two (2) feet at the bottom of the fence (more info & deviations discussed below).

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

The total height of perimeter fence above grade is ten (10) feet which includes the eight (8) foot tall fence plus the two (2) foot tip out.
 - 3) A **secondary perimeter fence** is required that is at least five (5) or more feet inward from the primary perimeter fence. The secondary perimeter fence must also meet the same standards as the primary perimeter fence.

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

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

- 5) All entrances and exits must have double gates and be at least eight (8) feet tall. Latches must be secure and lockable. Fencing must be attached to the inside of the gate so that the framework cannot be used as a ladder.
 - 6) As discussed above, perimeter fencing must be installed around the entire subject property. **No Variance** is required for 8-foot fencing (above ground) with two (2) foot tip out (to prevent animals from escaping) on the respective property lines provided a Commercial Building Permit is first approved for it.
- J. All animal enclosures must be located inside of the secondary perimeter fence. Wolves, wolf hybrids, bobcats, cougars, and similar animals that are a threat to humans must at all times be housed in 6-sided fenced enclosures. All enclosures must contain a shelter from the elements and must provide adequate drainage to allow animals to find dry ground in wet conditions. Enclosures must contain enough vegetation and ground cover to provide the animal with shade, hiding places and grass to eat. However, no trees or bushes shall be located too close to the fence.
- K. The applicant/landowner must comply with the following standards for **animal runs**:
- 1) All animal runs must be located inside of the secondary perimeter fence.
 - 2) There must be **perimeter checks of the wolves' daytime enclosures** daily to look for vulnerability, including fallen trees, damage or tunnels by animals, broken fence or wiring, etc. These daily inspections should be reported in a daily log and along with any work plans to complete needed repairs. Emergency repairs should be fixed immediately. These daily logs must be made available to city or county officials upon request.
- L. The applicant must hire a **ISA Certified Arborist a minimum of 3 times per year** to evaluate the trees along the fence lines (internally and external to the property). Evaluations and the action necessary to mitigate the hazard must be paid for by POTH. All records related to arborist reports, mitigation requirements, and repair work must be available to the county and city upon request.
- M. The applicant/landowner must install both motion detected lights that monitor the area within the perimeter fencing and surveillance video equipment that automatically alerts the facility's manager via cell phone of movement within the perimeter fencing and/or encroachment by an animals within.

- N. Electronic surveillance measures must be used at all times by staff to monitor the operation remotely from afar during afterhours, weekends, and holidays.
- O. The wildlife preserve must be manned at all times. When the facility is closed, a caretaker must be present on the property
- P. When wolves, wolf hybrids, bobcats, cougars, or similar animals that are a threat to humans are allowed outside of their 6-sided enclosures into fenced in run areas, GPS, VHF, or similar tracking collars must be placed on the animals.
- Q. The applicant/landowner must comply with all USDA requirements. Should there be a conflict in what the USDA requires, the applicant/landowner must contact Skagit County Planning & Development Services Department to coordinate the appropriate response.
- R. There is no maximum number of animals that Predators of the Heart may house onsite provided they meet all USDA standards/requirements and Skagit County Code including but not limited to Chapter 7.04 regulating potentially dangerous wild animals.
- S. Following Special Use Permit approval, the applicant/landowner must provide Skagit County Planning & Development Services and the City of Anacortes' Parks and Recreation Department with a revised site plan that shows including but not limited to:
 - 1) Location of all property corners/lines for the subject property
 - 2) Location of the 2 required perimeter fences
 - 3) Location of all double fenced entrances and gates
 - 4) Location of all animal enclosures. Identify what animal species are where.
 - 5) Location of all existing structures (and proposed) onsite including any caretaker Residence
 - 6) Location of onsite parking for staff and guests
 - 7) Location of any onsite critical areas, associated buffers, and/or protected critical area assessment easement (PCAE)
- T. Development must comply with all requirements of the Skagit County Planning & Development Service's Building Division including but not limited to:
 - 1) All structures – (Buildings under a 120 Square Feet with heat or plumbing, All Buildings structures over 120 S.F, Cages, Fences over 7' tall, containers) requires a building permit and engineering.
 - 2) Permanent restrooms are required on site for employees and guest.
- U. Outdoor burning: The applicant must follow safe outdoor burning protocol along with seasonal burn bans.

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

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

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

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

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

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

RESPONSIBLE OFFICIAL: Director of Planning and Development Services

CONTACT PERSON: Kevin Cricchio, Senior Planner

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

PHONE: (360) 416-1423

Date: **November 1, 2022** Signature: **Kevin Cricchio, AICP**
On behalf of Hal Hart, Planning & Development Services Dept.
Director

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

Date Transmitted to Skagit Valley Herald: November 1, 2022

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

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PL22-0577

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SKAGIT COUNTY
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EXHIBIT B

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES
NOTICE OF DEVELOPMENT APPLICATION WITH OPTIONAL SEPA DNS:

For: Predators of the Heart

File Number: PL22-0133

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

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

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

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

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

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

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

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

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

How to become a party of record: You may become a party of record by submitting written comments, including a (USPS) mailing address, to the Skagit County Planning & Development Services Department at the address listed below. Any person desiring to express his or her views or to be notified of the action taken on this application should be **in writing** within the fifteen (15) day comment period.

Questions about this proposal, requests to receive future notices of hearings and/or the decision, once

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

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

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

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

Date Published in Skagit Valley Herald: April 21, 2022

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

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

(a) Safety

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

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

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

(b) Education

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

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

(c) Rescue

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Describe your proposed parking area.

- POTH has a small parking space already that will fit 7-10 cars on site. There are no current plans to change the parking spaces.

10. Describe your schedule, including any phasing, for the development of your operation.

- POTH has plans to do extensive fencing, as noted above. POTH intends to create additional set-backs (also known as "perimeter fencing") and add blackout covering to existing fencing, moving wolf enclosures to a centralized area. Currently, the wolves are in six-sided fencing overnight, which means that they cannot escape by digging. Centralizing our wolf-enclosures will reduce their anxiety, create a more tranquil environment for them. POTH currently also has extensive security fencing, including so-called "hot" fences (i.e. electric fences). Other phased construction will include adding glass enclosures for other reptiles to benefit our guests and the public in the educational process.

11. Describe the expected traffic impact of your operation on public roads.

- Generally, we see about 5-10 cars a day, including employees. Private groups that have visited POTH generally come together, and we limit the number of people allowed on site at any one time.

12. Describe any internal road system your operation will have.

- In our compound, we have a turnaround and parking



13. Describe how your operation will be accessed.

- Security is a critical component of our operation. We have extensive fencing, which has been thoroughly vetted by local, state and federal authorities. This includes dig-outs as well as electric fencing that is always operational. Our gate system is a locked remote open, chain-linked fence. The only time our gate is open is when employees enter or our guests are let in by staff. The general public have no way to enter the property with a vehicle unless the gate is opened by our staff. The gate is only opened at the time of tour to allow entry to allow guests access to the property. To enter the compound you turn off Havekost Rd, onto Welch Lane Rd. At the end of the Welch Lane there is access to our gravel easement road. The easement road is approximately 400 feet long and leads you to our locked gate. There is a ditch for drainage on either side of the easement road. There are no other access roads that lead into our compound.

14. Describe any heat from machinery or equipment that your operation will generate.

- N/A

15. Describe any noise your operation will generate.

- POTH has been on this property since 2001 and has never had a complaint about the noise, which would be the occasional wolf howling. Even with groups on site, the property is exceedingly quiet.

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



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

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

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

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

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

Additional Questions requested

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

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

B. What safety protocols do you have in place and how do they comply with the USDA regulations.

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

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

Current animals at POTH:

Mammals: 3 cougars, 2 bobcats, 24 wolfdogs, 3 sloths, 1 armadillo, 2 opossums, 1 coatimundi, 2 marmosets, 1 fox, 1 giant anteater, 1 north American porcupine, 1 stripe skunk, 1 hooded skunk, 3 sloths, 2 kinkajous, 4 raccoons

Birds: 1 Eurasian eagle owl, 1 vulture, 2 ducks, 1 lady Amherst pheasant, 2 golden pheasants, 3 blue and gold macaw, 2 military macaw, 1 Catalina macaw, 6 sulfur-crested cockatoos, 1 citron cockatoo, 1 lord Darby, 6 plum head parakeets, 1 blue fronted amazon, 1 double yellow amazon, 20 parakeets, 2 cockatiels, 1 emu

Reptiles: 5 alligators, blue tongue skink, Savannah monitor, 2 iguanas, 2 reticulated pythons, 4 ball pythons, 1 rattle snake, 1 carpet python, 1 rainbow boa, 1 albino python, 1 blood python, 1 caiman lizard, 1 beaded lizard, 2 Burmese pythons, 4 sulcata tortoises, 2 red footed tortoises

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

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

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

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



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



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



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



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



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



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

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

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

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

LETTERS OF RECOMMENDATION:

February 4, 2022

CITY OF ANACORTES

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

Anacortes Chamber of Commerce

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

cc: Predators of the Heart

PREDATORS OF THE HEART ANACORTES

To: Ms. Ashley Carr, Administrative Manager

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

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

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

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

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

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

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

SINCERELY,

DANA NELSON, RN MN APRN CNS 3

Dear Mr. Mayor,

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

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

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

Respectfully, Hugh and Wendy Kendrick

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

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

Dear Recipient,

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

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

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

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

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

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

Regards,

Colin & Deanna Emsley

SAFETY PROTOCOLS

(ANIMAL RECAPTURE PROTOCOLS)

INTRODUCTION

PURPOSE

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

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

ASSOCIATED EQUIPMENT

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

KEY DUTIES FOR OPERATION TIERS

TIER I (EXPERT HANDLER/MANAGEMENT)

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

TIER II (INTERMEDIATE HANDLER)

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

TIER III (BASIC HANDLER)

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

TIER IV (HANDLER IN TRAINING)

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

TIER REQUIREMENTS FOR HANDLING ANIMAL

1. BIG CAT

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

2. SMALL CATS

Tier I and Tier II handlers **ONLY**.

3. WOLF DOG

Wolf dogs ambassadors may be worked with by Tiers I,II,III. Tier IV must be supervised by a Tier I or Tier II to enter the cage of wolf dog ambassador.

Wolf dogs in conservation status (not public working wolves) may only be worked with by Tier I and Tier II.

4. SMALL MAMMAL

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

5. BIRDS OF PREY AND BIRDS

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

6. REPTILE (NON-VENOMOUS)

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

7. REPTILE (VENOMOUS)

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

ANIMAL ESCAPE/RECAPTURE PROTOCOL

REPORTING ESCAPE OF DANGEROUS ANIMAL

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

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

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

REPORTING ESCAPE OF NON-DANGEROUS ANIMAL

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

ESCAPE OFF POTH COMPOUND

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

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

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

KEY RESPONSE AUTHORITIES

Tier I - Ashley Carr: 360-770-7479

Tier II Employee onsite

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

City of Anacortes ACFL: 360-293-1918

Asa Deane at Friends of the Forest ACFL: 360-399-6184

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

Caleb Stewart Legal Console: 425-455-3900

WEAPONS MANAGEMENT

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

TIERS DUTIES AND RESPONSIBILITIES IN ESCAPE

TIER I RESPONSE DUTIES

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

TIER II RESPONSE DUTIES

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

TIER III RESPONSE DUTIES

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

TIER IV RESPONSE DUTIES

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

AUTHORITY CONTACTS

TIER I CONTACTS

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

SKAGIT COUNTY CONTACTS

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

USDA

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

CITY OF ANACORTES/ACFL CONTACTS

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

LEGAL TEAM

Caleb Stewart at Oseran and Hahn 425-455-3900

NEIGHBOR CALL LIST

TO BE ANNOUNCED

LIST OF DANGEROUS ANIMALS

- Cougars
- Wolves

LIST OF NON-DANGEROUS ANIMALS

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

PREVENTION SAFETY PROTOCOLS

STAFF PREVENTIONS MEASURES

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



Special Use Permit Application

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

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

Permit #: PL22-0133
Received 3.19.22
Received by:

Project Information

Site Address 4709 Welch Lane City Anacortes Zip 98221

Parcel No(s) P128398

Zoning Rural Reserve UGA No Yes, which:

Project Description Animal Preserve wildlife education, conservation, sanctuary center

Request

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

- | | |
|--|--|
| <input type="checkbox"/> Bed and breakfast | <input type="checkbox"/> Personal wireless facility |
| <input type="checkbox"/> Home-based business 2 | <input type="checkbox"/> Rural Business Expansion Beyond 1,500 sq ft |
| <input type="checkbox"/> Home-based business 3 | <input type="checkbox"/> Rural Business Change of Use |
| <input type="checkbox"/> Kennel | <input type="checkbox"/> Temporary events |
| <input type="checkbox"/> Marijuana production or processing facility | <input type="checkbox"/> Temporary manufactured home—accessory to farm dwelling unit |
| <input type="checkbox"/> Marijuana retail facility | <input type="checkbox"/> Temporary manufactured home—elderly or disabled family member |
| <input type="checkbox"/> Mineral extraction and processing | <input checked="" type="checkbox"/> Other (specify): <u>Animal Preserve</u> |
| <input type="checkbox"/> Outdoor outfitters enterprises | |

Required Attachments

Include all of the following with your application:

- Contact Information & Signature Form
- Site plan consistent with site plan requirements checklist
- Lot certification¹ recorded under Auditor's File Number _____ (required unless the proposed development itself does not require lot certification)
- Critical areas approval letter
- Water review approval letter
- Pre-application meeting letter or pre-application meeting waiver
- Landscape plan (if required by pre-app meeting letter)
- Parking plan (if required by pre-app meeting letter)
- Any other documents requested at your pre-application meeting

¹ SCC 14.06.045(2).

① Requirements for ALL Special Use Permits

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

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

- A narrative that includes numbered responses to the following General Special Use Permit Evaluation Criteria.² The burden of proof is on the applicant to provide evidence that the use complies with the criteria.
 27. Demonstrate that the proposed use is compatible with the neighboring properties.
 28. Demonstrate that the proposed use complies with Skagit County Code. Please cite code section.
 29. Demonstrate that the proposed use will not create undue noise, odor, heat, vibration, and air or water pollution on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.
 30. Demonstrate that the proposed use will not generate intrusions on privacy of surrounding uses.
 31. Demonstrate that proposed use will not cause potential adverse effects on the general public health, safety, and welfare.
 32. For special uses in the Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL zones, demonstrate that the impacts on long-term natural resource management and production will be minimized.
 33. Demonstrate that the proposed use is not in conflict with the health and safety of the community.
 34. Demonstrate that the proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.
 35. Demonstrate the proposed use will maintain the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.

² SCC 14.16.900(1)(b)(v).

② Additional Requirements for Specified Special Use Permits

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

A. Bed and Breakfast

Attach all of the following:

- A narrative that includes numbered explanations for how your proposal will comply with the following requirements:³
 - A1. The bed and breakfast must be owner-occupied and managed.
 - A2. Parking is on-site and a minimum of 10 feet away from neighboring residences.
 - A3. All lighting is directed away from neighboring residences.
 - A4. The impacts will be no more obtrusive than a residence.
 - A5. Five bedrooms or less are available for guest use.

B. Home-Based Business 2⁴

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

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

C. Home-Based Business 3⁵

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

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

³ SCC 14.16.900(2)(c).

⁴ SCC 14.16.730(3).

⁵ SCC 14.16.730(4).

D. Kennels⁶

Identify which type of kennel you are applying for:

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

Attach all of the following:

- SEPA checklist.
- An evacuation plan for the dogs or cats in the event of an emergency.
- An exercise plan for the dogs or cats.
- A narrative that includes numbered explanations for how your proposal will comply with the following criteria:
 - D1. Areas used as part of a dog kennel operation shall be composed of at least one-half of 1 acre for every 5 dogs (i.e. 2.5 acres of kennel area would be required for 25 dogs).
 - D2. Any indoor or outdoor area to be occupied by kennel animals shall be located at least 50 feet from any property line. A solid-wood fence or continuous, non-deciduous vegetative barrier shall be required, each at least 6 feet in height, between any outdoor kennel use area and the subject property lines. Fences and continuous barriers will not be required in cases where kennel use areas are at least 500 feet from all subject property lines.
 - D3. Parking for all kennel customers and employees shall be fully contained on the subject property and shall not include the use of any road right-of-way.
 - D4. All lighting shall be directed away from neighboring residences or businesses.
 - D5. An approved waste disposal plan that complies with Chapter 12.16 SCC shall be required.
 - D6. Kennel animals must be contained on the subject property. Outdoor kennel areas shall be constructed with adequate materials and height so as to prevent animal escapement.
 - D7. Any outdoor kennel use areas shall be configured such that impacts to surrounding properties are minimized. All animals must be contained in enclosed buildings between the hours of 9:00 p.m. and 8:00 a.m. daily.

⁶ SCC 14.16.900(2)(i).

E. Marijuana Production or Processing⁷

Attach all of the following:

- SEPA checklist.
- A copy of your current license from the State Liquor and Cannabis Board.
- A narrative that includes numbered explanations for how your proposal will:
 - E1. Address impacts on surrounding properties, including but not limited to the appropriate distance of the facility from residences, schools, daycare facilities, public parks, other public facilities, and other marijuana facilities;
 - E2. Include appropriate controls on odor;
 - E3. Include appropriate screening or other requirements to avoid lighting impacts and the visual impacts of security fencing;
 - E4. Include requirements for appropriate disposal of the waste and byproducts of production and processing;
 - E5. Include protections against security cameras infringing on neighbors' privacy;
 - E6. Include any additional controls on hazardous processing methods with potential to injure neighboring properties;
 - E7. Mitigate other impacts.

F. Marijuana Retail Facility⁸

Attach all of the following:

- SEPA checklist.
- A copy of your current license from the State Liquor and Cannabis Board.
- A narrative that includes numbered explanations for how your proposal will:
 - F1. If the facility will use security cameras, ensure those cameras are aimed so as to view only the facility property, not public rights-of-way or neighboring properties.
 - F2. Avoid customer use of marijuana on site or in adjacent areas (e.g., security cameras, fences, or site design).
 - F3. Mitigate other impacts.

G. Mineral Extraction or Processing

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

- SEPA checklist.
- A narrative that includes numbered responses to all of the following:
 - G1. The estimated quantities of all materials to be extracted.
 - G2. Identification of any possible Scientific Resource Sites that may be located on the proposed site. Scientific Resource Sites include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance. These areas must be delineated on the vicinity map below and the proposal for preservation of the identified area(s) must be addressed.
 - G3. An on-site study to determine appropriate mitigation requirements for noise, vibration and dust levels. The study should specify what levels the Applicant deems satisfactory to mitigate off-site disturbances.
 - G4. An operations proposal detailing estimated frequency of blasting, estimated truck loads per day, what provisions for screening and fencing are proposed, and estimated hours of operation.
 - G5. Identification and description of those critical areas designated and regulated by SCC 14.24, together with any critical areas studies that may be required by SCC 14.24.
- All of the following maps on 11x17" paper:
 - A vicinity map with a north arrow indicating the area on which the extraction operation is proposed including a legal description, showing right-of-way width of access roads to the proposed site from the nearest community and any roads proposed on the site, and showing zoning of adjacent properties and land uses within 5 miles of the area proposed for mineral extraction and related activities;
 - A pre-mining map drawn to scale with an appropriate scale bar showing the permit area and buffers, elevations and contours, natural slopes and other drainage patterns, boundaries of municipalities, boundaries of property ownership,

⁷ SCC 14.16.855.

⁸ SCC 14.16.855.

⁹ Required by SCC 14.16.440(8).

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

- A reclamation sequence map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map showing the permit area border and buffers, excavation areas, location of all proposed access roads to be built, location of types of setbacks and beams, numbered segments and the direction of the sequence of mining, soil storage areas and sequence of stripping, storing and replacement of mined segments, overburden storage areas and sequence of stripping, storing and replacement of overburden on mined segments, waste rock piles and how they will be reclaimed and stabilized, operation plant and processing areas, measures to be taken to adjacent surface area to prevent slumping or landslides on adjacent lands, location and description of storm-water and erosion control systems including drainage facilities and settling ponds and estimated runoff served by individual facilities; and
- A final reclamation map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map permit area and buffers, final elevations and contours, adjacent natural ground slopes, reclaimed drainage patterns, general topography, locations and names of any roads, utility lines, rights-of-way, streams, bridges, lakes, springs, wetlands, location and depth of topsoil to be replaced after seedbed preparation, permanent drainage and water control systems, area to be re-vegetated and proposed species, 2 cross-sections (at right angles) with horizontal and vertical scales the same that show the original and final topography and the water table.
- A report by a qualified geologist, hydrologist, or licensed engineer characterizing the area's ground water including, but not limited to, the following information:
 - A description of the geology and hydrogeology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydrogeologic cross-sections, porosity, and horizontal and vertical permeability estimates;
 - Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers) if applicable; and
 - A map containing the limits of the mine, buffer zones, location of all ground water wells within one-mile distance down gradient from the property boundaries, location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas.
- Attach a transportation analysis from Skagit County Public Works Department or Washington State Department of Transportation demonstrating that roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Comprehensive Plan or its Transportation Technical Appendix and applicable state and local regulations.

H. Outdoor Outfitters¹⁰

Attach all of the following:

- SEPA checklist.
- A narrative that includes numbered explanations for how your proposal will comply with the following requirements:
 - H1. Temporary lodging may be allowed at temporary primitive campgrounds as regulated in each district, existing lodges/cabins, or approved bed and breakfasts.
 - H2. No more than five self-contained RVs shall be allowed with such enterprises at any one time.
 - H3. Temporary lodging in a single location shall not exceed 14 days for any one individual, group, or party.
 - H4. At least seven days must pass before registered guests may return for lodging.
- A site plan that includes location, size, access of proposed primitive campsites, existing lodges/cabins, and RV sites.

I. Personal Wireless Facilities

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

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

¹⁰ SCC 14.16.900(2)(d).

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

J. Rural Business Expansion Beyond 1,500 Square Feet

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

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

K. Rural Business Change of Use

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

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

¹¹ SCC 14.16.150(4)(d).

¹² SCC 14.16.150(4)(e).

L. Temporary Events¹³

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

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

M. Temporary Manufactured Home—Accessory to a Farm Dwelling Unit¹⁵

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

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

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

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

N. Temporary Manufactured Home—Elderly or Disabled Family Member¹⁷

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

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

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

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

¹³ SCC 14.16.900(2)(h).

¹⁴ SCC 14.04.020.

¹⁵ SCC 14.16.900(2)(b).

¹⁶ SCC 14.04.020, definition of "temporary manufactured home."

¹⁷ SCC 14.16.900(2)(a).

¹⁸ SCC 14.04.020, definition of "temporary manufactured home."



Contact Information & Signature Form

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

Permit #:
PL22-0133

Received
3.19.22

Received by:

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

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

Applicant/Contact

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

Property Owner Same as applicant Multiple owners (attach additional page)

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

Contractor None Same as applicant Same as property owner

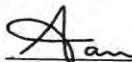
Name _____ Mailing Address _____
City, State _____ Zip _____ Phone _____
Email _____ License # _____ Expires _____

Financing¹ None Lender below is providing construction financing Firm below has issued payment bond

Name _____ Mailing Address _____
City, State _____ Zip _____ Phone _____

Signature

- I am the owner of the subject property and I grant permission to field staff to enter the site to verify the presence or absence of critical areas and perform inspections of work proposed by this application; OR
- I have the consent of the owners of the subject property and have attached Agent Authorization Form(s) (SCC 14.06.090); OR
- This is a mechanical/plumbing permit or pre-development/pre-app meeting request; ownership certification is not required.

Signature(s):  Date: 1/28/22
Printed Name: Ashley Carr
Title: President
Company: Predators of the Heart

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

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

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

(a) Safety

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

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

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

(b) Education

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

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

(c) Rescue

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Describe your proposed parking area.

- POTH has a small parking space already that will fit 7-10 cars on site. There are no current plans to change the parking spaces.

10. Describe your schedule, including any phasing, for the development of your operation.

- POTH has plans to do extensive fencing, as noted above. POTH intends to create additional set-backs (also known as "perimeter fencing") and add blackout covering to existing fencing, moving wolf enclosures to a centralized area. Currently, the wolves are in six-sided fencing overnight, which means that they cannot escape by digging. Centralizing our wolf-enclosures will reduce their anxiety, create a more tranquil environment for them. POTH currently also has extensive security fencing, including so-called "hot" fences (i.e. electric fences). Other phased construction will include adding glass enclosures for other reptiles to benefit our guests and the public in the educational process.

11. Describe the expected traffic impact of your operation on public roads.

- Generally, we see about 5-10 cars a day, including employees. Private groups that have visited POTH generally come together, and we limit the number of people allowed on site at any one time.

12. Describe any internal road system your operation will have.

- In our compound, we have a turnaround and parking



13. Describe how your operation will be accessed.

- Security is a critical component of our operation. We have extensive fencing, which has been thoroughly vetted by local, state and federal authorities. This includes dig-outs as well as electric fencing that is always operational. Our gate system is a locked remote open, chain-linked fence. The only time our gate is open is when employees enter or our guests are let in by staff. The general public have no way to enter the property with a vehicle unless the gate is opened by our staff. The gate is only opened at the time of tour to allow entry to allow guests access to the property. To enter the compound you turn off Havekost Rd, onto Welch Lane Rd. At the end of the Welch Lane there is access to our gravel easement road. The easement road is approximately 400 feet long and leads you to our locked gate. There is a ditch for drainage on either side of the easement road. There are no other access roads that lead into our compound.

14. Describe any heat from machinery or equipment that your operation will generate.

- N/A

15. Describe any noise your operation will generate.

- POTH has been on this property since 2001 and has never had a complaint about the noise, which would be the occasional wolf howling. Even with groups on site, the property is exceedingly quiet.

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



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

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

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

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

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

Additional Questions requested

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

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

B. What safety protocols do you have in place and how do they comply with the USDA regulations.

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

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

Current animals at POTH:

Mammals: 3 cougars, 2 bobcats, 24 wolfdogs, 3 sloths, 1 armadillo, 2 opossums, 1 coatimundi, 2 marmosets, 1 fox, 1 giant anteater, 1 north American porcupine, 1 stripe skunk, 1 hooded skunk, 3 sloths, 2 kinkajous, 4 raccoons

Birds: 1 Eurasian eagle owl, 1 vulture, 2 ducks, 1 lady Amherst pheasant, 2 golden pheasants, 3 blue and gold macaw, 2 military macaw, 1 Catalina macaw, 6 sulfur-crested cockatoos, 1 citron cockatoo, 1 lord Darby, 6 plum head parakeets, 1 blue fronted amazon, 1 double yellow amazon, 20 parakeets, 2 cockatiels, 1 emu

Reptiles: 5 alligators, blue tongue skink, Savanah monitor, 2 iguanas, 2 reticulated pythons, 4 ball pythons, 1 rattle snake, 1 carpet python, 1 rainbow boa, 1 albino python, 1 blood python, 1 caiman lizard, 1 beaded lizard, 2 Burmese pythons, 4 sulcata tortoises, 2 red footed tortoises

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

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

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

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



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



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



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



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



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



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

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

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

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

LETTERS OF RECOMMENDATION:

February 4, 2022

CITY OF ANACORTES

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

Anacortes Chamber of Commerce

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

cc: Predators of the Heart

PREDATORS OF THE HEART ANACORTES

To: Ms. Ashley Carr, Administrative Manager

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

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

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

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

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

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

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

SINCERELY,

DANA NELSON, RN MN APRN CNS 3

Dear Mr. Mayor,

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

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

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

Respectfully, Hugh and Wendy Kendrick

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

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

Dear Recipient,

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

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

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

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

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

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

Regards,

Colin & Deanna Emsley

SAFETY PROTOCOLS

(ANIMAL RECAPTURE PROTOCOLS)

INTRODUCTION

PURPOSE

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

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

ASSOCIATED EQUIPMENT

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

KEY DUTIES FOR OPERATION TIERS

TIER I (EXPERT HANDLER/MANAGEMENT)

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

TIER II (INTERMEDIATE HANDLER)

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

TIER III (BASIC HANDLER)

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

TIER IV (HANDLER IN TRAINING)

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

TIER REQUIREMENTS FOR HANDLING ANIMAL

1. BIG CAT

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

2. SMALL CATS

Tier I and Tier II handlers ONLY.

3. WOLF DOG

Wolf dogs ambassadors may be worked with by Tiers I,II,III. Tier IV must be supervised by a Tier I or Tier II to enter the cage of wolf dog ambassador.

Wolf dogs in conservation status (not public working wolves) may only be worked with by Tier I and Tier II.

4. SMALL MAMMAL

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

5. BIRDS OF PREY AND BIRDS

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

6. REPTILE (NON-VENOMOUS)

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

7. REPTILE (VENOMOUS)

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

ANIMAL ESCAPE/RECAPTURE PROTOCOL

REPORTING ESCAPE OF DANGEROUS ANIMAL

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

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

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

REPORTING ESCAPE OF NON-DANGEROUS ANIMAL

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

ESCAPE OFF POTH COMPOUND

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

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

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

KEY RESPONSE AUTHORITIES

Tier I - Ashley Carr: 360-770-7479

Tier II Employee onsite

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

City of Anacortes ACFL: 360-293-1918

Asa Deane at Friends of the Forest ACFL: 360-399-6184

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

Caleb Stewart Legal Console: 425-455-3900

WEAPONS MANAGEMENT

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

TIERS DUTIES AND RESPONSIBILITIES IN ESCAPE

TIER I RESPONSE DUTIES

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

TIER II RESPONSE DUTIES

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

TIER III RESPONSE DUTIES

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

TIER IV RESPONSE DUTIES

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

AUTHORITY CONTACTS

TIER I CONTACTS

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

SKAGIT COUNTY CONTACTS

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

USDA

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

CITY OF ANACORTES/ACFL CONTACTS

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

LEGAL TEAM

Caleb Stewart at Oseran and Hahn 425-455-3900

NEIGHBOR CALL LIST

TO BE ANNOUNCED

LIST OF DANGEROUS ANIMALS

- Cougars
- Wolves

LIST OF NON-DANGEROUS ANIMALS

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

PREVENTION SAFETY PROTOCOLS

STAFF PREVENTIONS MEASURES

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

A. Background

1. Name of proposed project, if applicable:

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

2. Name of applicant:

Predators of the Heart / Ashley Carr

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

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

4. Date checklist prepared:

3/18/22

5. Agency requesting checklist:

Skagit County Planning and Development

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

N/A

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

N/A

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

N/A

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

No

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

Special Use Permit
USDA Class C Exhibitors Permit

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

ANIMAL PERSEVE PERMIT- NO PROJECTS AT THIS TIME

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

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

B. Environmental Elements

Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

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

Approximate 45%

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

Forest soil on top of bedrock, brought in gravel

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Purpose would be for leveling areas for enclosures.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No

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

Less than 3%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Native trees and ground cover are left in place to help with erosion.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

None

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None

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

N/A

3. Water

a. Surface Water:

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

None

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

N/A

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

N/A

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

N/A

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

N/A

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

b. Ground Water:

No

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

No well on site. City water.

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

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

c. Water runoff (including stormwater):

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

Storm water, natural storm rain run off. No collection

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

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

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

No

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

N/A

4. Plants

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

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

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

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

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

N/A

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

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

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

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

5. Animals

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

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

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

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

N/A

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

N/A.

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

Our mission is preserving wildlife by limiting amount of ground work needed.

We will be keeping the natural land intact as much as possible.

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

Gray squirrels

6. Energy and Natural Resources

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

electric, propane with plans to change to all solar.

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

No

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

Our goal is to switch our compound to solar energy

7. Environmental Health

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

None

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

N/A

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

N/A

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

N/A

4) Describe special emergency services that might be required.

N/A

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

N/A

b. Noise

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

None

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

Natural animal noises at time but minimal

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

N/A

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Adjacent properties have Personal sawmill, livestock, and off road quad and dirt bike track.

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

N/A

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

N/A

c. Describe any structures on the site.

There is a 12x12 gift shop and two 40' shipping containers on site

d. Will any structures be demolished? If so, what?

No

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

Rural Reserve

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

Animal Preserve

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

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No

i. Approximately how many people would reside or work in the completed project?

Up to 5-10 people

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

zero

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

N/A

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

N/A

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

We are leaving land as natural as possible.

9. Housing

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

0

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

0

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

No houses will be built

10. Aesthetics

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

12 feet 12x12 cabin

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

None

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

Leaving everything as natural as possible

11. Light and Glare

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

N/A

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

N/A

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

N/A

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

N/A

12. Recreation

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

Hiking and site seeing

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

No

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

Our goal is to keep the beauty of the land

13. Historic and cultural preservation

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

N/A

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

N/A

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

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

N/A

14. Transportation

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

None

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

N/A

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

None

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

No

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

No

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

None

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

No

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

N/A

15. Public Services

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

N/A

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

N/A

16. Utilities

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,

other: Propane

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

None

C. Signature

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

Signature: Aan

Name of signee Ashley Carr

Position and Agency/Organization Predators of the Heart

Date Submitted: 3/22/22

D. Supplemental sheet for nonproject actions

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

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

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

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

N/A

Proposed measures to avoid or reduce such increases are:

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

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

None

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

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

None

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

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

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

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

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

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

None

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

AUDITORS CERTIFICATE

RECORD OF SURVEY AT THE REQUEST OF CLAIR A. CROSSMAN

200903210722
Sagitt County Auditor
Page 1 of 2 2:04PM

J. Youngquist
AUDITOR
Deputy Auditor

CONSENT

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

Richard K. Johnson
Diana Johnson
Wells Fargo Bank NA
Edward K. Johnson
ACKNOWLEDGEMENT
STATE OF WASHINGTON
COUNTY OF SAGITT



ON THIS 18th DAY OF February, 2009, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, BUT COMMISSIONED AND SWORN UNTO PERSONALLY APPEARED RICHARD K. JOHNSON, DANA JOHNSON, EDWARD K. JOHNSON, AND WELLS FARGO BANK NA, ALL OF WHOM ARE KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO RECEIVED THE VENDOR'S FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.

Richard K. Johnson
Notary Public in and for the State of Washington, Commission Expires 01/11/2012

ON THIS 18th DAY OF February, 2009, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, BUT COMMISSIONED AND SWORN UNTO PERSONALLY APPEARED EDWARD K. JOHNSON, DIANA JOHNSON, AND WELLS FARGO BANK NA, ALL OF WHOM ARE KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO RECEIVED THE VENDOR'S FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID INDIVIDUALS FOR THE PURPOSES THEREIN MENTIONED, AND ON DAIRY STATED THAT HE/SHE RECEIVED THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORRECT SEAL OF SAID CORPORATION.

QUESTIONS HAND AND OFFICIAL SEAL HERETO AFFIXED THE DAY AND YEAR WRITTEN.
Richard K. Johnson
Notary Public in and for the State of Washington, Commission Expires 01/11/2012

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



11-23-09
SHORT PLAT NO. PL06-1121

SHORT PLAT FOR: Richard & Diana Johnson
4695 Walsh Lane
Anacortes, WA 98221

SHEET 1 OF 2

DRAWN BY: JSD

DATE: May, 2008

CHECK BY: JSD

DATE: May, 2008

SCALE: 1" = 400'

JOB NO.: 530

HERRIGSTAD ENGINEERING PS
4810 WHEATLER LANE ROAD, ANACORTES, WA 98221 360-589-8604

NOTES

- 1. The short plat number and date of approval shall be included in all deeds and contracts.
- 2. A LOT OF RECORD CERTIFICATION HAS BEEN ISSUED FOR ALL LOTS INCLUDED IN THIS LAND DIVISION BY VENTURE OF RECORDING THIS LAND DIVISION AND ISSUANCE OF THE LOT CERTIFICATION, ALL LOTS HEREIN SHALL BE SUBJECT TO THE CONVEYANCE AND DEVELOPMENT PURPOSES LIMITS THEREAFTER RESTRICTED. SEE AF #A00092321013.
- 3. The building permit shall be issued for any residential end/or commercial use, which the lot or the fee simple boundary of County Fee District.
- 4. Change in location of access, any necessitate change of address contact Sagitt County Planning & Development Services.
- 5. Water will be supplied by the City of Anacortes to both lots.
- 6. Zoning and Comprehensive Plan - Rural Reserve.
- 7. Area Calculations:
The total acreage for the entire parcel (2018 acres)
Lot 1 1000 acres
Lot 2 1000 acres
- 8. All private roads, easements, community utilities and properties shall be owned and maintained by separate corporate entity or the owners of property served by the facility and kept in good repair. The easement and utility easement along the south property line of lot 1 and easement along the south property line of lot 2, for any common road easements adequate provisions shall be made for appropriate pro-rata contributions for such maintenance by any future land divisions that will also use the same private road.
- 9. Sewage disposal will be on-site septic systems.
- 10. All runoff from impervious surfaces and roof drains shall be directed so as not to adversely affect adjacent properties.
- 11. A Sagitt County Address Range will begin at 4202 and end at 4843 on Walsh Lane for Lot 2. Lot 1 will remain 4605 Walsh Lane. At the time of application for building and/or access, Sagitt County shall be in accordance with the provisions of Sagitt County Code 1524.
- 12. The parcel lies within an area or within 500 feet of area designated as a natural resource lands (agricultural, forest and wetlands), and/or a long-term commercial, industrial, or other activity occur or may occur in the area that may not be compatible with resource uses and may be increment or cause discomfort to area residents. This may arise from the use of the area for an activity, planting, harvesting, or other restriction or in an existing planting, harvesting, or other established natural resource management operations as a priority use on designated natural resource lands and area residents or other persons to accept such responsibilities, recommendations, operations when performed in compliance with best management practices and local, State, and Federal law. In the case of mineral leases, application might be made for mineral-related activities including recycling of mineral. In the case of mineral-related activities, and may be required from the resource area, consistent with 2007 141610. Contact Sagitt County Planning and Development Services for details.

TRESPASSERS CERTIFICATE

It is to certify that all roads heretofore laid out and which have been laid out by me or by my predecessor in office, and which have been laid out and distributed according to the record of my office, up to and including the year of 2009.

This 23rd day of March, 2009,
Richard K. Johnson
Sagitt County Treasurer



LEGAL DESCRIPTION

Parcel A
The North Half of the Northwest Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, Sagitt County, Washington

EXCEPT that portion of the North Half of the Northwest Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian described as follows:
Beginning at the Southeast corner of the said North Half, Thence North 44°28'00" East a distance of 14168 feet to the true point of beginning, thence South 44°28'00" East a distance of 14168 feet to the true point of beginning, thence North 89°28'00" East along the South line of said North Half a distance of 21157 feet to the true point of beginning.

Parcel B
Situated in Sagitt County, Washington

A portion of the Northwest Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, described as follows:
Beginning at the North Quarter corner of said Section 35, Thence South 89°28'00" West, a distance of 7788 feet along the North line of said section, Thence South 89°28'00" East, a distance of 25935 feet to the true point of beginning, thence South 37°06'00" East, a distance of 4287 feet to the East line of the Northwest Quarter of said section, Thence North 0°28'00" East, a distance of 48701 feet to the true point of beginning.

Parcel C
An easement for ingress, egress and road and utility purposes over the following described parcels:
1. The South 20 feet and the East 30 feet of the North Half of the South Half of the Northwest Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian
2. The North 20 feet and the East 40 feet of the South Half of the South Half of the Northwest Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian
3. The South 40 feet of the South Half of the Northwest Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian
EXCEPT any portion thereof lying within the County Road.

Parcel D
Situated in Sagitt County, Washington

An easement for road, transit and utility purposes over the following described parcel:
A 30-foot wide strip in the North Half of the North Half of the Northwest Quarter of the Northwest Quarter of Section 35, Township 35 North, Range 1 East of the Willamette Meridian, being 15 feet on each side of the following described centerline:
Beginning at a point 15 feet West of the Northwest corner of said North Half, Thence North parallel to the East line of said North Half for a distance of 220 feet; Thence North parallel to the East line of said North Half to a point 15 feet North of the North line of said North Half.

COUNTY APPROVALS

THE VISION AND FOREGOING SHORT PLAT IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SAGITT COUNTY SMOKE AND DRINKING WATER ACT.

ON THIS 18th DAY OF March, 2009
Richard K. Johnson
Sagitt County Engineer

ON THIS 23rd DAY OF March, 2009
Richard K. Johnson
Sagitt County Treasurer

County Health Officer
Sagitt County Health Officer

The JOHNSON Shortplat

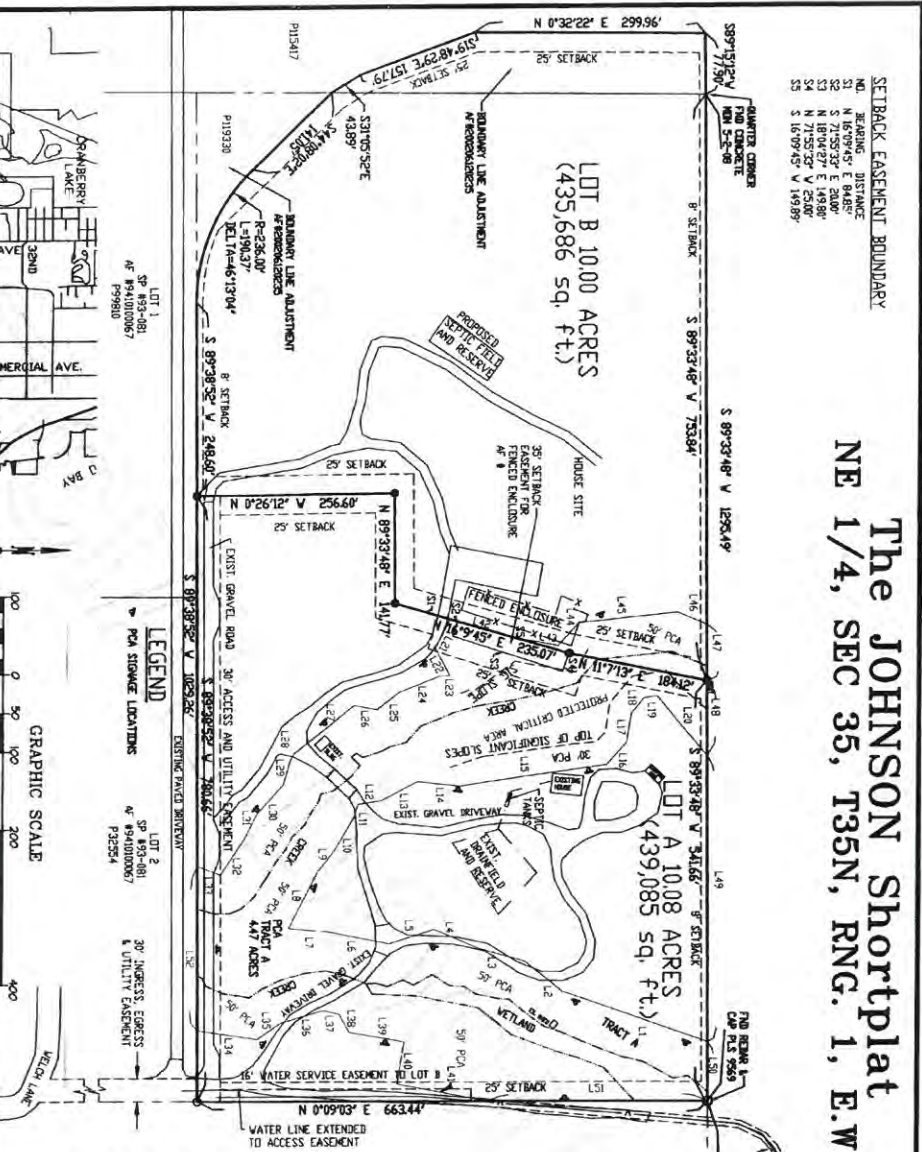
NE 1/4, SEC 35, T35N, RNG. 1, E.W.M.

SETBACK EASEMENT BOUNDARY

NO.	BEARING	DISTANCE
31	N 87°54' E	84.87'
32	S 71°53' E	24.00'
33	N 11°52' E	14.98'
34	S 16°09' E	14.98'

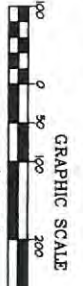
LOT B 10.00 ACRES
(435,686 sq. ft.)

LOT A 10.08 ACRES
(439,085 sq. ft.)



LEGEND

- PCB STORAGE LOCATIONS
- 30' EGRESS EGRESS & UTILITY EASEMENT



PCAE - PROTECTED CRITICAL AREA EASEMENT

SURVEYORS CERTIFICATE

I hereby certify that the above subdivision is based on an actual survey, that the dimensions and bearings are true, and that the monuments have been set and lot corners marked on the ground as shown on the plat in accordance with the provisions contained in Chapter 332-180 R.C.M.

CLARENCE A. JOHNSON
 CLARENCE A. JOHNSON, P.L.S.
 CHRYSLER BLVD.
 8688
 11-25-08



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

PCA BOUNDARY

NO.	BEARING	DISTANCE
1	S 10°56' E	20.34'
2	S 10°56' E	20.34'
3	S 10°56' E	20.34'
4	S 10°56' E	20.34'
5	S 10°56' E	20.34'
6	S 10°56' E	20.34'
7	S 10°56' E	20.34'
8	S 10°56' E	20.34'
9	S 10°56' E	20.34'
10	S 10°56' E	20.34'
11	S 10°56' E	20.34'
12	S 10°56' E	20.34'
13	S 10°56' E	20.34'
14	S 10°56' E	20.34'
15	S 10°56' E	20.34'
16	S 10°56' E	20.34'
17	S 10°56' E	20.34'
18	S 10°56' E	20.34'
19	S 10°56' E	20.34'
20	S 10°56' E	20.34'
21	S 10°56' E	20.34'
22	S 10°56' E	20.34'
23	S 10°56' E	20.34'
24	S 10°56' E	20.34'
25	S 10°56' E	20.34'
26	S 10°56' E	20.34'
27	S 10°56' E	20.34'
28	S 10°56' E	20.34'
29	S 10°56' E	20.34'
30	S 10°56' E	20.34'
31	S 10°56' E	20.34'
32	S 10°56' E	20.34'
33	S 10°56' E	20.34'
34	S 10°56' E	20.34'
35	S 10°56' E	20.34'
36	S 10°56' E	20.34'

- NOTES -**
1. SETBACK EASEMENT AND YELLOW CAP P.L.S. #8688.
 2. FOUND REBAR & CAP. P.S. #892.
 3. FOUND MOVEMENT CASE AND COVER.
 4. BASIS OF BEARINGS USED THE BEARING OF
 5. BEARING OF LONG NORTH LINE OF SECTION 35.
 6. PLAT NO. 04-0878, BEARING 112°00'00" W.M. PER SHORT
 7. EQUIPMENT USED: PENTAX P-325S TOTAL STATION.
 8. ERROR OF CLOSURE MEETS WASHINGTON STATE
 9. SURVEY STANDARDS: STANDARD FIELD TRAVERSE.
 10. SOUNDING: RETAIL EASEMENT.

GENERAL INFORMATION

1. Assessor's Account No. 860186-1-008-0108; 798688.
2. Map Description and description information to Town of Chicago
3. 2006, Company, Order No. 10241101, dated December 11,
4. This property is SUBJECT TO and TOGETHER WITH
5. easements, reservations, restrictions, covenants and other
6. instruments of record including but not limited to those
7. instruments recorded under Auditor's File Numbers 868000 -
8. 8680280027, 868084, 200406150226, 200406150214, 200408240005,
9. 200408300061, 200408110040, 200408110047
10. and 200408180088. Deeds of Trust are recorded under
11. Auditor's File Number 200408180088, 200408080083 and
12. 200408080082.
13. A Parcel has been granted to this property for a 40'
14. ingress, egress & utility easement on which lines and for a
15. 30' ingress, egress & utility easement on parcel P85544.

SHORT PLAT NO. PL 06-1121

SHORT PLAT FOR: Richard & Diana Johnson
 4865 Walsh Lane
 Ansonia, VA 98221

A PORTION OF THE NW 1/4 OF THE NE 1/4
 OF SEC. 35, T35N 35N, RNG. 1 EAST, W.M.
 FOR RICHARD AND DIANA JOHNSON

HERRIGSTAD ENGINEERING PS

4350 WHEATLE LAKE ROAD, AVALONCOURT, VA 98221 800-289-8604

SHEET 2 OF 2

DWG. 4350
 DWN BY: DJZ
 CHECK BY: CAJ
 DATE: 04, 2008
 SCALE: 1"=40'
 JOB NO.: 520



200406300061

Skagit County Auditor

6/30/2004 Page 1 of 2 10:09AM

Return to:

Richard & Diana Johnson
41665 Welch Lane
Anacortes, WA 98221

PROTECTED CRITICAL AREA SITE PLAN

Page 1 of 2

Grantor/Owner: Richard & Diana Johnson

Grantee: PUBLIC

Site Address: 41665 Welch Lane

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

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

Permit/Activity #: B004-0634

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

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

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

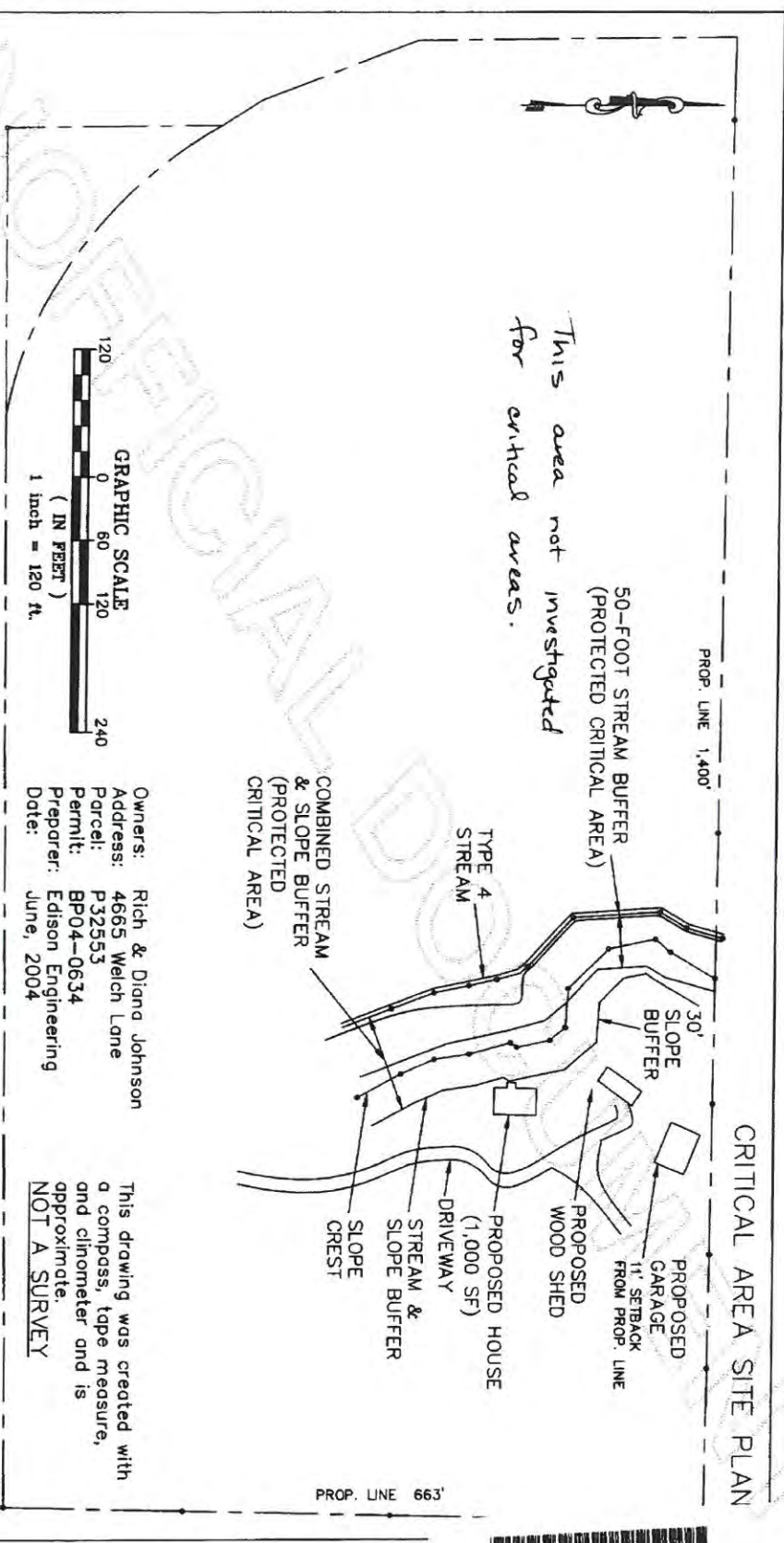
Owner: Diana M Johnson Date: 6-30-04

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

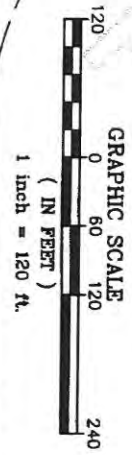
Cathy J. Bay-Schmith, Notary Public in and for the State of Washington,
residing at Anacortes, WA 98221 Date: 6-30-04

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

CAD Approved 6/29/04 WJH/fbs



This area not investigated for critical areas.



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

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

PROP. LINE 1,028'

PROP. LINE 663'

PROP. LINE 1,400'

CRITICAL AREA SITE PLAN



200406300061
Skagit County Auditor

Return Name & Address:



200903270123
Skagit County Auditor

3/27/2009 Page 1 of 1 2:04PM

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

PLAT LOT OF RECORD CERTIFICATION

File Number: PL06-1121

Applicant Name: Richard & Diana Johnson

Property Owner Name: Richard & Diana Johnson

The Department hereby finds that Lots 1 & 2 of Short Plat PL06-1121 recorded on

March 27, 2009 under AF# 200903270122

Parcel Number: P32553

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

1. CONVEYANCE

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

2. DEVELOPMENT

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

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

Authorized Signature: _____

Date: _____

3/27/09

1. If your operation will use a building please describe the size, height and construction type. This building must be

- 12x12 Gift Shop which was permitted by Skagit county. The retail building is the only permanently installed improvement that is recognized by the Skagit County assessor. It has 220 square feet and is secured to a post and beam foundation. It was constructed in 2017 under a building permit and is attached to a semi-truck trailer and a steel cargo shipping container which are both parked side-by-side.
- shown on the site plan.



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

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



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



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

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



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



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



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



P122-0571
RECEIVED
DEC 02 2022
SHAGIT COUNTY
PDS

EXHIBIT C



Predators of the Heart

"Dedicated to wildlife education, conservation, rescue"

4709 Welch Lane, Anacortes, WA 98221

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

Mr. Cricchio and Skagit County Officials:

Thank you for receiving our application for a Special Use Permit with Skagit County. We have carefully and thoroughly reviewed the public comments and have provided responses as requested by Skagit County. As you'll see below, Predators of the Heart (POTH) has always operated lawfully and, with one specific instance in 2021, has been a thoroughly safe and secure operation, providing sanctuary and protection for the animals it houses. POTH is a 501(c)(3) organization, vetted and routinely inspected by the United States Department of Agriculture (USDA). The USDA licenses POTH as a Class C Exhibitor, which is the highest level of licensing provided by the USDA for civilian organizations.

As a preface, it is critical that Skagit County understand what will happen if it denies this request for a Special Use Permit.

Should this permit be denied, most of the animals housed by POTH, either as rescues or for permanent placement, would likely have to be euthanized. This includes, but is not limited to, all its wolfdog population, cougars, birds of prey, reptiles, and small mammals. These animals are cared for by POTH and all POTH's proceeds go to the care and safekeeping of these animals.

It is also critical to preface by noting that POTH has been in operation at this location since 2001—over 20 years at this location. It has operated largely in the face of hostility from a few select neighbors who seemed to copy and paste their comments on each of their letters. Despite those complaints, POTH has provided a continuous and vital resource to the community since its inception.

I. Exemptions

As noted above, Predators of the Heart operates lawfully and always has. Some of the comments—most notably by Kevin Welch and his attorney—say that POTH is "operating unlawfully" under RCW 16.30.030. Under RCW 16.30.030(1), "a person shall not own, possess, keep, harbor, bring into the state, or have custody or control of a potentially dangerous animal **except as provided in subsection (3) of this section.**" (emphasis added.)

RCW 16.30.030(3)

The law cited by Mr. Welch and his attorney provides its own exemption. Under RCW 16.30.030(3), "A person in legal possession of a potentially dangerous wild animal prior to July 22, 2007, and who is the legal possessor of the animal may keep possession of the animal for the remainder of the animal's life."

Clearly, since POTH has been in operation since 1998, all "potentially dangerous animals" as defined by RCW 16.30 in its possession have been with POTH since before 2007 or are being housed on behalf of animal control or a government agency. All veterinary records, acquisition papers, and other documents that show POTH has possessed these animals prior to 2007 are available for Skagit County officials to review.

Yet, POTH's exemptions do not end there.



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RCW 16.030.020

Under RCW 16.30.020(c), "Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the animal control authority or acting under the authority of this chapter" are exempt from RCW 16.30.

POTH is a duly incorporated nonprofit animal protection organization, and as evidenced by the attached contracts, works closely with animal control, Department of Fish and Wildlife (DFW), the U.S. military, and various counties across the state of Washington to provide housing and protection for rescued animals. For instance, earlier this summer, POTH worked with local military and animal control agencies to house and protect animals seized by each respective organization and does so on a regular basis. See attached **Exhibit A, example of government contract**.

POTH is exempt from RCW 16.30 under RCW 16.30.020(c) as it operates as a shelter and humane society, and houses animals at the written request of the animal control authority or acting under the authority of this chapter. Out of 100 animals currently residing at POTH, over 80 animals are rescues and have been given sanctuary because of POTH's work. For instance, within the last year, the U.S. military, DFW, USDA, and U.S. Customs all contacted POTH regarding providing sanctuary for an animal. POTH provides this service for the benefit of the community. Many, if not most of these animals would have to be euthanized if not for POTH's work.

In summary: POTH is indeed a "duly incorporated nonprofit animal protection organization" (see attached **Exhibit B, Nonprofit Status with the IRS and Washington Secretary of State**) and likewise houses, "**an animal**" at the written request of...animal control authority or acting under the authority of this chapter." Again: POTH works regularly with animal control agencies, law enforcement agencies, and federal authorities and has written agreements a sample of which has been attached hereto as **Exhibit A, Example of Government Contract**. POTH continues to assist many state and federal agencies, housing *many animals* at the written request of law enforcement and animal control agencies.

RCW 16.30.010(5)

In addition, POTH is a wildlife sanctuary under RCW 16.30.010(5).

RCW 16.30.010(5) defines a wildlife sanctuary as, "...a **nonprofit organization**...that cares for animals defined as **potentially dangerous** and:

- (1) No activity that is **not inherent** to the animal's nature, natural conduct or the animal in its natural habitat is **conducted**;
- (2) No **commercial activity** involving animals occurs including, but not limited to, the sale of or trade in animals, animal parts, animal by-products or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;
- (3) No **unescorted** public visitations or direct contact between the public and an animal; or
- (4) No **breeding** of animals occurs in the facility.

As noted above, POTH operates as a nonprofit organization and does not engage in any activity that is "not inherent" to the animal's nature, that no "commercial activity" involving animals is taking place—specifically defining the sale or trade in animals or animal parts, by-products or offspring, or the sale of photographic opportunities involving an animal, "or the use of an animal for any type of entertainment purpose..."



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Of important note: educational tours involving the animals are *not* for entertainment purposes; they are educational in nature. POTH staff and tour guides are highly trained regarding the nature of the animals, their diet(s), care and upkeep, housing, and much more. The tours that take place are never, ever "unescorted" and there is no "direct contact" between the public and a "potentially dangerous" animal. All POTH's animals, except for the wolfdogs, are enclosed and unavailable to the public (more details below).

POTH cares for animals defined under Washington law as "potentially dangerous"—specifically, its cougar(s) that require constant care and maintenance due to their inability to care for themselves. POTH has animals listed on RCW 16.30.010(5): cougars, alligators, primates, and one snake that are members of the *family viperidae*. RCW 16.30.010 specifically excludes wolf-hybrids. RCW 16.30.010(2)(B) defines *family canidae*, wolves, as potentially dangerous, but specifically excludes wolf-hybrids. POTH's wolfdog population are wolf-hybrids and, under RCW 16.30.010(2)(B), are specifically excluded from RCW 16.30.010.

The other animals referenced in the statute, namely cougars and snakes that are part of the *family elapidae*, are fully enclosed and never interact with the general public. The cougars have been owned prior to 2007 and any viewing occurs with two separate layers of fencing. POTH only allows certain members of its staff with specialized training to interact with the cougars because of their inability to care for themselves. For instance, one of the cougars suffers from severe diabetes—meaning it has a specialized diet and certain requirements for its care. There have never been any escapes from an enclosure, nor any interaction with the general public. These cougars are in the care of POTH because they need constant support. Without the care that POTH provides, the cougars would die.

The snakes housed by POTH are likewise enclosed: they live in full enclosures and are never exposed to the public for handling.

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

RCW 16.30.020(l)—Class C Exhibitor/Fair Exemptions

Finally, POTH's USDA Class C Exhibitor License also exempts it to RCW 16.30.010. Due to its work with state and local fair(s) statewide, POTH is exempt from RCW 16.30 under RCW 16.30.020(l). Further, as a Class C Exhibitor, the USDA's highest level of licensing available to non-governmental entities, POTH is exempt from RCW 16.30 because of the extensive training required for said licensing. The plain language of the statute allows for POTH to *exhibit* the animals in its care and exempts the organization due to its participation in fairs statewide. It would be erroneous and nonsensical to "exempt" an organization from these regulations for the time(s) that it interacts with the general public most explicitly—at a public fair.

As a USDA Class C Exhibitor, POTH goes through regular (and random) inspections by federal officials. USDA inspections review all aspects of POTH's operations: safety of the community and upkeep/caretaking of the animals, employee safety, animal care and diet, housing, ventilation, lighting, interior surfaces/cleanliness, enclosures/escapability, sanitation, pest control, feeding and watering, outdoor shelter(s), compatibility, record-keeping, veterinary care, handling, and transportation.

In short: POTH's USDA Class C licensing subjects it to intense scrutiny, and its exhibiting at state fair(s) provide it with a broad exemption from RCW 16.30. Because of its licensing and work with governmental authorities, POTH likewise has been toured by many government agencies such as DFW, animal control



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agencies, Skagit County officials, and each have inspected and reviewed its operations. As noted herein, POTH has attached its most recent USDA inspection, which took place in August 2022, where it received a perfect, no-compliance inspection. This is the highest rating available for a USDA inspection. See attached **Exhibit C, USDA August Inspection Results.**

Summary

POTH operates under several exemptions under Washington law. Each of which provide POTH with a full-fledged exemption to the laws regarding the housing and care of wild, exotic and/or potentially dangerous animals. POTH is a resource to law enforcement, animal control, DFW, and many other organizations; POTH works closely with local, state and federal authorities and has the highest-available licensing for civilian organizations (Class C Exhibitor License with the USDA) which requires extensive training, routine (and random) inspections and a litany of regulations for the care of its animals. POTH has been and will continue to be a resource to the community by safely housing and caring for each of the animals that are in its stead.

II. Non-Profit Purpose

There were a few comments inquiring about how POTH can operate educational tours (Airbnb tours, for one) while still maintaining its nonprofit status.

Every activity that POTH undertakes, from educational tours, to speaking events, to fairs, only **further its nonprofit purpose**. Simply because a nonprofit engages with a for-profit entity does not void its nonprofit status. The law requires that a nonprofit partake in activities that further its nonprofit purpose—every activity and event that POTH engages in, from educational tours to speaking events, is meant to raise awareness and funds for the protection, caregiving, and safekeeping of the animals it houses. Educating the public through tours is only one way in which that nonprofit purpose is furthered.

POTH's nonprofit purpose is based on connecting us, as humans, to the glory and wonder of creation, including wildlife. God has connected all living things, and it is our job to maintain and care for these animals and the earth. As amended in 2015, under its Articles of Incorporation, "Predators of the Heart is a licensed 501(c)(3) nonprofit organization animal sanctuary that cares for potentially dangerous animals by providing a safe home for unwanted or abused...animals that have been confiscated by animal control agencies as well as potentially dangerous animals that for other reasons need to be safely housed and cared for..." This means that POTH's purpose is to provide care and safekeeping to the animals that it houses—most of which could not survive without the constant care that POTH provides.

Further, and of note: the bylaws of POTH explicitly note that there shall be **no breeding** of animals. POTH does not breed exotic animals of any kind.

Historically, POTH was founded as a faith-based, religious organization that connects wildlife and the glory of creation to people. We are stewards of God's creation and are meant to care for these animals; POTH exists to showcase that connection and to educate people on the web of life. Thousands of reviews online showcase that POTH is a place where people experience the beauty and glory of nature—which is why it has not eroded or otherwise developed the natural habitat where the animals reside.

The paid educational tours that POTH provides allows POTH to feed, house and otherwise protect these animals. Every dollar that is raised or paid to POTH goes to the care and well-being of the animals that it provides sanctuary for.



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Virtual School Tours

Additionally, over the last number of years, POTH has partnered with Washington state school districts, providing virtual tours and educating thousands of children on how each animal plays a vital role in the web of life. With each of these tours, we are bringing a hope and a new love and appreciation for nature, including the animals we are trying to save and protect. Prior to these virtual tours, for many years POTH provided on-site animal experiences at many schools across the state of Washington.

POTH now also offers free virtual tours to all the schools districts in the United States and hopes to provide international educational tours in the years to come for qualified educational institutions. We hope to bring awareness to our youth the roles each and every animal plays allowing the ecosystem to survive and how we all contribute to the state of the world that we all share. This again is based on our religious foundation and the role that each of us plays in nature.

POTH has also had the opportunity to partner with the Make-a-Wish Foundation. We have had the opportunity to meet and serve an amazing young woman named Addie.

Addie was diagnosed with a brain tumor and was only given a few months to live. Her dreams and desire were to be an exotic veterinary technician. She was able to come out to our property and meet some amazing creatures. The impact she had on our organization are unexplainable. Her family have written a letter on our behalf, which is attached to this response as **Exhibit D, Addie's Letter**. We provide these kinds of tours for free to the Make-a-Wish foundation. It is an honor and a privilege for POTH to provide a safe, secure place where these kinds of tours can take place.

Veteran Programs

POTH also works continuously for those who have served our country. We have partnered with our local military and provide them with an outreach program that caters to the men and women who have fought and served for our freedoms, providing tours to military families who have experienced trauma and have served our country so faithfully. POTH looks forward to continuing to work with local, regional and national organizations that assist veterans.

III. Safety

POTH has worked tirelessly with federal, state and local authorities at providing the safest and most secure facilities possible for the benefit of the community and the technology available. Having been at its current location for over twenty (20) years, POTH has had only two escapes—one of which was the result of repeated antagonization by neighboring, leash-less dogs.

One of the two escapes resulted in the death of a local dog. The neighboring dog, as mentioned, had repeatedly antagonized the wolfdogs of POTH. This was a tragic situation that could have happened to **any** neighbors with dogs.

That being said: POTH has taken every available measure to ensure that this **never** happens again.



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First, POTH has reallocated its enclosures so that no wolves or wolf enclosures border any neighboring property. This means that the wolfdog runs and enclosures will never come in contact with neighbors, their pets or other animals—the enclosures and runs have all been moved so that they are never able to be “antagonized” or in any way approached by bordering properties. It removes all potential engagement with neighboring pets or people.

Second, POTH has implemented six-sided fencing for its wolfdog enclosures. These enclosures are impossible for wolfdogs, or canines of any kind, to escape. This means that there is fencing above, below, and around the wolfdogs. They literally cannot escape as explained more fully below.

Third, nearly every inch of POTH’s compound is under surveillance and/or populated with staff 24/7. POTH’s camera system tracks each animal, movement, incursions into the property and any movement from the property. The camera system, which again surveys virtually every foot of the property, is monitored 24/7, 365 days a week by POTH staff.

Finally, and most tragically, the wolfdog that was instigated and escaped has been euthanized by POTH. This wolfdog was with the staff for many years and was cared for by them. Still, unprompted, POTH euthanized the wolfdog as a result of the 2021 incident.

Six-Sided Fencing

As noted above, the wolfdogs are now ***always*** in six-sided fences at night, and are never in a position to escape the compound. These safety measures have been reviewed by various agencies, including the USDA, who have remarked that the safety measures taken by POTH are beyond adequate. Again: a six-sided enclosure means that the wolves ***cannot escape***; they cannot dig out and they cannot jump over the fence. The fence is six-sided (above, below and four-walls) at all times when the wolves are not supervised.

Additionally, POTH has reallocated resources and moved its fencing so that none of the wolves, nor their runs, ever border any area where a human or pet could engage with them even through a six-sided fence.

Further, POTH has also put the enclosures of the wolves into *other* enclosures; meaning, even if a wolf were to somehow escape—they would only be able to escape into an additional enclosure. In a six-sided enclosure, escape is impossible. However, even considering that fact, POTH has implemented a fail-safe program whereby the wolves would only be able to escape into another enclosure.

Cameras

For safety and security purposes, POTH has not disclosed all of its camera angles and vantage points, but nearly every square foot of the compound is visible by POTH staff. The compound itself is monitored 24/7 by POTH, 365 days a year. Staff are on-site daily with the animals. When they are not with the animals, the animals are housed in six-sided enclosures as noted above.

USDA Inspections

As recently as August 5, 2022, POTH was inspected by the United States Department of Agriculture (USDA) and came away with its highest inspection status (no non-compliance). POTH continues to hold a Class C Exhibitor license, which is the highest licensing available to non-government agencies.

This also means that ***any escape*** requires a USDA inspection. Further—even when ***no escape*** occurs but an escape is ***reported or alleged***, POTH is subsequently inspected by the USDA. This means that even when no escape happens, and, say, a coyote is mistaken for a wolf—the USDA still visits POTH and inspects its



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facilities. This happens regularly. Additionally, POTH has invited other government agencies, such as Department of Fish and Wildlife and animal control agencies, including Skagit County officials, to inspect and review its operations. The comments from neighbors do not seem to have a clear understanding as to what POTH does, nor what animals it houses. Most of the animals at the POTH facility are rescued animals; the animals that are not, such as ambassador wolfdogs, are highly trained and are not considered dangerous or exotic by the USDA nor the Department of Fish and Wildlife. They are classified as canines. They are no more dangerous or vicious than any other dog, though, like all dogs, have different temperaments. POTH has attached its last 2 USDA inspection results to this Response. POTH has provided the results of its August inspection as noted herein.

Further, claims that POTH has had "repeated escapes" is inherently false.

"Repeated" Escapes

Some of the commenters have indicated "seeing" wolves on their property or properties. This is incorrect. It is important to note that most of the public comments likely have been promulgated and fueled by Kevin Welch, a businessman who has a history of disrepute in the community who has targeted the Predators of the Heart property for development. If POTH is denied a permit, Mr. Welch has long desired to acquire POTH's property for his own benefit and leisure. Mr. Welch has made more than one offer on the POTH property over the years. Further, if POTH is denied a permit—most of the animals that have been provided sanctuary will have to be euthanized.

Mr. Welch has repeatedly sought to trespass onto POTH's property, approaching our fence line and gated entrance in an effort to gain access so as to attempt to harm POTH and its organization. He, or his employees, have likely also repeatedly called POTH over the last number of months attempting to get POTH to violate its agreement with Skagit County. Mr. Welch even sought to book an educational tour with POTH, knowing that POTH was shut down while going through the Special Use Permit process. Mr. Welch also claims that POTH's operations will bring excessive traffic to the area; we have also attached the camera footage of his property receiving over 36 vehicles in one day and 22 vehicles on another. POTH does not receive nearly that amount of traffic on any given day. Suffice to say: neighboring properties receive far more traffic than the few cars that travel to/from POTH's compound for educational tours.

In any event, the actions of Mr. Welch show that he is not a concerned citizen. If Mr. Welch was so concerned with the safety of the animals—including the housing of the wolfdogs on the property or the other rescued animals being dangerous—he would not have repeatedly trespassed onto POTH property attempting to take pictures while attempting to incriminate POTH.

Further, Mr. Welch, or Mr. Welch's attorney, cites nebulous, baseless claims. For instance, Mr. Welch's attorney notes that, "one of our clients has seen wolves running loose on adjacent properties and in the Anacortes Community Forest on at least five separate occasions." This type of vague, unfounded claim is only meant to stir up fear for Mr. Welch's personal gain. Regarding that specific statement: first, there have been no escapes other than what has been publicly noted and discussed by POTH. Any escape, **and any alleged escape**, requires that the USDA be notified with a follow-up inspection. There have simply been no escapes.

Second: all of these properties are located in an admittedly *rural* area, bordering on hundreds of acres of forest and trails. Many animals—including large dogs and coyotes—run freely on these trails and in this area. It would



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be impossible to identify a wolf unless it were up close—very close—to a human being. If a wolf were identifiable as belonging to POTH, it would have been noted and written about already. No wolves have escaped. Additionally, if a wolf were **running** as indicated by Mr. Welch's attorney—how could it have been identifiable as a wolf to an untrained eye, from an unknown distance? How could an untrained individual identify that a wolf and not a coyote or a large dog was "running" on land that borders over 500 acres of forest land and trails? The reality is that those kinds of claims are patently false and intentionally unverifiable—they are fearmongering statements that have no way of being verified, and only serve to scare people. The reality is that there have not been "repeated" escapes. There have been two escapes in over 20 years, and one was at least partially due to the repeated instigation of a leash-less dog. As noted above, that issue has been remedied—the wolfdog enclosures no longer border any other property. Further, the wolfdog responsible has been euthanized and additional measures have been implemented to ensure that no wolf ever escapes again, regardless of the antagonization that occurs on the other side of the fence.

2012 Escape

First: wolfdogs are not classified by the USDA or Washington State as "Dangerous Animals" nor are they considered wildlife.

As noted above, POTH has already addressed the fact that neither the federal government nor Washington state recognize wolf-hybrids as "potentially dangerous animals" nor are they considered wildlife.

Second: Like any organization, POTH has drastically changed in its operations from 2012. Technology has changed and so have the operations for POTH. It has implemented many new security measures since 2012 and management has changed entirely. Some of those changes have been noted herein.

Third: as noted above, the wolfdogs are now **always** in six-sided fences at night and are never in a position to escape the compound. These safety measures have been reviewed by various agencies, including the USDA, who have remarked that the safety measures taken by POTH are beyond adequate. Again: a six-sided enclosure means that the wolfdogs **cannot escape**; they cannot dig out and they cannot jump over the fence. The fence is six-sided (above, below and four-walls) at all times when the wolves are not supervised.

Fourth, and finally: during the 2012 escape, no one was injured, and the wolfdog was more docile than most common house dogs. To recount: the wolfdog at that time was approached by a law enforcement officer, who was accompanied by a German Shepherd—the POTH wolfdog came when called and was leashed without incident. This instance would have been threatening to most dogs; a law enforcement agent, accompanied by a large breed dog, would have been threatening to most dogs—and yet, the POTH wolfdog was docile, came when called, and was leashed without incident.

The public comment made by Mr. Welch makes specific note of the backseat of the law enforcement vehicle being "destroyed". This is a misstatement and shows a clear propensity to try and manipulate facts. **Any dog placed into the backseat of a car—especially a car with no windows—would become agitated and try to escape.**

Further, any dog that is housed exclusively outdoors and is not "house trained" would have a similar response to being put into an enclosed vehicle without supervision because it would cause the animal anxiety. In other words: if a Bernese Mountain dog who lived outside, or a German Shepherd or any large breed dog, were placed into the back of a vehicle without supervision, such an act would likely cause anxiety and the dog—any dog—might have a similar response. Even small dogs, such as a Jack Russell Terrier, would



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or could "destroy" a car in the same manner as the wolfdog. The "destruction" of the backseat of a car is not an act of aggression; any animal expert—and most animal lovers—would testify to the same truth.

The fact that Mr. Welch failed to note (or his attorney failed to note) was the fact that the wolfdog was **completely docile** and **non-aggressive** with the law enforcement agent **and the law enforcement agent's dog** show that they have no idea about the actual proclivities of the animals housed at POTH. Mr. Welch paints his own picture that the wolfdogs housed by POTH are vicious, wild animals—and yet cites to a story (from 2012) that shows, unequivocally, that the wolfdogs **come when called** and are **leashed without issue**. This is a great example as to POTH's animal sanctuary and why it exists in the first place—to educate the public on the web of life and the wonder of creation.

Mr. Welch's attorney also seems to make arguments that are incompatible with each other: on the one hand, he argues that the POTH property is located in a "rural community" that has very few people present, and yet simultaneously argues that POTH is surrounded by many families and homes.

In truth, Mr. Welch is not anywhere near the POTH property. His repeated trespasses onto the POTH property clearly show that he, for one, does not find the POTH property to be dangerous or a nuisance. It would appear that the primary instigator—the person responsible for most of the negative ire directed at POTH's operations—is clearly someone who is not worried about his own safety or the safety of the Welch Lane community as he so boldly trespasses onto the POTH property.

These animals, like all animals, are not human. They are in need of service and protection; they have been rescued from dire situations. Each animal has been accounted for and is available for viewing, as many rescues allow, so that the public can be educated on their need and connectedness to nature. God has created these animals; it is our job to steward and protect them.

IV. Misstatements and Clarifications

A number of comments had misstatements or fallacious information in them, which we will seek to clarify below.

"Predators houses and breeds dozens of dangerous, wild animals"

- Predators does not breed animals, neither does it house wild animals.
- All of the animals housed are rescued or have been acquired from dire situations—such as the cougars, which were acquired by POTH prior to 2007. By way of example, these cougars are old, decrepit and sick. One of the cougars, Boy, suffers from severe diabetes. He would not and could not survive in the wild, which is why POTH cares for him daily.

"It is unclear what percentage of the Predators animals are indeed full wolves"

- None of the wolves are "full wolves". Every wolfdog housed by POTH is a wolfdog—there are no "full wolves".

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



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- POTH has been on this property without issue for over 20 years. It is notable that not every bordering neighbor sees POTH as a problem—only a few, and those few are led by Kevin Welch, who has sought to acquire POTH's property for his own benefit. POTH has lived peaceably with other neighbors in the Welch Lane community that have not been instigated by Kevin Welch for over 20 years.
- A singular instance whereby an instigating dog was killed has been rectified by POTH, both financially and operationally. POTH is routinely checked by federal authorities for its safety compliance. It has reallocated its resources so that no wolfdog enclosure borders any neighboring property and has implemented a six-sided fencing system to ensure that wolfdogs cannot escape.
- POTH has been a continual resource to the community, including working closely with law enforcement, animal control, the U.S. military and other federal and state agencies to provide sanctuary for these animals.

"An October 2017 escape occurred"

- There was no escape at that time. Instead, an individual trespassed onto POTH property—the story cited merely notes that POTH implemented "warning signs" regarding its property.

"Humane shelters do not breed animals or offer paid tours to the public; their primary purpose is to rescue and rehome unhouseed animals."

- This was clearly written by an individual who only knows of dog and cat shelters. Most of the animals rescued and housed by POTH cannot be "rehomed". They require specialized care and are brought to POTH precisely because no one can care for them.
- Additionally, as noted, POTH does not breed animals. This is stated clearly in its Articles of Incorporation, which is publicly available on the Secretary of State's website
- Over 80% of its animals have been brought to POTH due to rescue—which is supported by the contracts POTH have provided in this response.

"The exception for persons displaying animals at a fair under RCW 16.30.020(1)(I) does not apply to [POTH]..."

- Mr. Welch's attorney goes out of his way to state that the Legislature "did not intend to allow an organization or individual to house dozens of...animals on a year-round basis so long as they show animals at a state fair a few times per year" and yet—cites no authority about the Legislative intent for this exemption which clearly applies to POTH as it does, indeed, exhibit animals at fairs for several years.
- The plain language of the statute speaks for itself—the fair exemption is one of the exemptions for organizations to be exempt from the cited statute.
- Rather than cite actual authority or legislative intent, Mr. Welch's attorney cites *City of Yakima v. Godoy*, a case that has nothing to do with RCW 16.30.020—but is about whether a car can be parked on



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a highway during a police chase. This is a clear attempt to make it *seem* like case law that supports his position, when in reality the plain language of the statute at hand exempts POTH due to its work in the public spectrum at fairs.

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

“[POTH]...continues to violate various state laws”

- The citations set out by Mr. Welch and Mr. Welch’s attorney are all virtually focused on the same misdirection. POTH has several legal exemptions that allow it to operate, which it has noted above. It provides a public service to animal control and many state and federal entities. POTH is currently engaged in contractual relationships with multiple government entities.
- It is not a *per se* public nuisance because it is *exempt* from the statutes cited. *Per se*, meaning in violation of the law, is a false statement.

“POTH already creates and will continue to create undue noise and odor for the surrounding dwelling units.”

- Ironically, Mr. Welch (who made this comment) has far more traffic enter/exit onto his property than POTH on any given day. For example, on August 30, 2022 to August 31, 2022, Kevin Welch—the neighboring property for POTH—had no less than **20 vehicles** enter and exit his driveway, which includes his own employees and laborers. On September 6, 2022, Mr. Welch’s property had **36 cars** enter and exit his property. Mr. Welch also utilizes four-wheelers and ATV units on his property, and on any given day, uses massive street sweepers to clear his driveway as well as tractors and a “boom mower” to cut trees loudly and in mass. See attached **Exhibit E, Kevin Welch Property Traffic**. POTH is privy to this information because of its camera system, which monitors any potential exits or incursions to/from the POTH property. Suffice to say, Mr. Welch’s property and his property’s activities create far more traffic and noise than POTH’s compound.
- Mr. Welch’s attorney cites a complaint from 2015 which was dismissed—largely because the claims were not factually based, but were based on unsupported commentary by Mr. Welch himself.
- There are no odors from meat or other waste because POTH utilizes dumpsters. See attached **Exhibit F, Photos of POTH Dumpster**. All waste is properly disposed of.
- The property is in a rural location, bordering hundreds of acres of forest land, whereby actual wild animals do, indeed, make noise. The POTH compound is exceedingly quiet. The cougars referenced by Mr. Welch can barely walk—they do not screech. The wolfdogs housed by POTH howl three to four times per day—for less than 50 seconds. The noise does not stop regular conversations during educational tours—it is not excessive, repetitive nor exceedingly loud.
- There is no basis under which Mr. Welch claims that there is “excessive noise”; Skagit County employees were on-site and can attest to the volume of the animals.



Predators of the Heart

"Dedicated to wildlife education, conservation, rescue"

4709 Welch Lane, Anacortes, WA 98221

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

"How can they work with AirBnB and be a nonprofit?"

- The term "nonprofit" is short for *not-for-profit*—it does not mean that an organization cannot charge for tours or activities that further its nonprofit purpose. For example, aquariums, zoos, wildlife sanctuaries—all charge for tours and yet they maintain their respective statuses as nonprofit organizations. With that, any nonprofit activity—such as an educational tour—must be "in furtherance of its nonprofit purpose"—of which every activity that POTH engages in does (including its educational tours).
- Moreover, all proceeds generated by POTH, its educational tours and other activities go exclusively to the care and safekeeping of the animals POTH houses. Not-for-profit means that the organization itself is not meant to benefit or profit an individual, partners or shareholders. POTH is a vetted 501(c)(3) organization with both the IRS and the Washington Department of Revenue. It exists to further its nonprofit purpose, which it has done for the last 20+ years.

"[POTH] and its frequent paid tours generate and will continue to generate intrusions on the privacy of surrounding uses."

- As noted: POTH has far less traffic than one of the chief complainants, Mr. Kevin Welch. Mr. Welch has far more employees visiting his property on a daily basis and creates more noise with his property upkeep than any of POTH's activities.
- POTH does not generate "commercial traffic"; they have less than twenty people per day on any given day in a rural area.

"Never until the past four or five years have I felt unsafe walking in the forest lands right adjacent to our property...our neighbors [POTH] have been in the news with documentation of dogs being killed by their hybrid wolves."

- Oddly, Jenny Welch (wife of Kevin Welch) should know that POTH has been operating with its various rescued animals—including its wolfdog population—since 2001 yet has "felt unsafe" in the last four or five years. There's no explanation as to why she suddenly felt "unsafe" in the last "four or five years" since POTH has been on the property and operating in the same manner since 2001.
- Ms. Welch cites to a "freelance writer Betsy Sikora Siino" in an unpublished "article".
- This kind of fearmongering is not based in any kind an accurate depiction of wolfdogs and is not a credible source.

"POTH is seeking to expand"

- There is no planned expansion—nowhere in the Special Use Permit application has POTH stated that it plans to expand operations. If anything, POTH has sought to reduce its population in recent years.

"It's a pay to play zoo where you can pay large sums of money to stay overnight"

- This is patently false. POTH is a wildlife sanctuary that provides educational tours in furtherance of its nonprofit purpose. There are **no overnight** accommodations, nor is POTH a "pay to play zoo".



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POTH exists to provide sanctuary and to educate the public on the importance of these wonderful, glorious creatures. We continue to work closely with federal, state, and local authorities to house animals that would otherwise be euthanized and/or can no longer care for themselves. It is a joy and a privilege to care for these animals. If our Special Use Permit is denied, many, if not most of these animals will have to be euthanized.

Thank you for your consideration and working with us through the permitting process. If you have any more questions, please feel free to contact me.

A handwritten signature in black ink, appearing to read 'Ashley Carr'. The signature is fluid and cursive, with a large initial 'A' and a long, sweeping tail.

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

PL22-0577

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SKAGIT COUNTY
FOU

EXHIBIT D

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6
7 SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

8 EDWARD & LYNNE BORLIN, DAVID &
9 PAMELA KNUTSEN, NOLAN BERLIN &
10 MILLICENT SWIETZER, and KEVIN &
11 JENNY WELCH,

11 Plaintiffs,

12 v.

13 PREDATORS OF THE HEART, a Washington
14 nonprofit corporation, ASHLEY CARR, and
15 DENISE COLEBURN,

15 Defendants.

NO. 22-2-00526-29

PREDATORS OF THE HEART'S
RESPONSES TO PLAINTIFFS' FIRST
DISCOVERY REQUESTS

16
17 **I. PRELIMINARY STATEMENT**

18 Predators of the Heart (*POTH*) submits the following responses to Plaintiffs' First Set
19 of Interrogatories and Requests for Production.

20 These responses are made solely for the purpose of this action. Each response
21 produced is subject to all appropriate objections (including, but not limited to, objections
22 concerning competency, relevancy, materiality, propriety and admissibility) which would
23 require the exclusion of any statement contained herein, if any such information were sought
24 to be introduced into evidence in Court. All such objections and grounds are reserved and
25 may be interposed at the time of trial.

26
27 PREDATORS OF THE HEART'S
RESPONSES TO PLAINTIFF'S FIRST
DISCOVERY REQUESTS

Page 1

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Bellevue, WA 98004
Phone: (425)-455-3900
FACSIMILE: (425)-455-9201

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

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

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

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

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

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

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

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

1 **POTH'S RESPONSES**

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

6 **ANSWER:**

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

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

13
14 **INTERROGATORY NO. 2:** Identify each person whom you expect to call as an
15 expert witness; state the subject matter on which the expert will testify; state the substance of
16 the facts and opinions to which the expert will testify; and state the grounds for each opinion.

17 **ANSWER:**

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

20
21 **INTERROGATORY NO. 3:** For the time period September 1, 2012, through the
22 present, identify all current and past members of your Board of Directors, including each
23 member's name, title, years involved in the role, and current contact information.

24 **ANSWER:**

25 Ashley Carr

26 April Grossrock

1 Daniel Overman
2 William Coleburn
3 Jeanne Hall
4 Jack Coleburn
5 David Wertz
6 Tony Cloud
7 Denise Coleburn
8 Justin Krueger
9

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

14 **ANSWER:**

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

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

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

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

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

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

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

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

7 **ANSWER:**

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

13 William Coleburn

14 Jeanne Hall

15 Jack Coleburn

16 David Wertz

17 Tony Cloud

18 Denise Coleburn

19 Justin Krueger

20 Ashley Carr

21 Daniel Overman

22 April Grossrock

23 Alicia Lanphear

24 Chris Patterson

25 Sunny Lee

26 Kenny Cole

27 PREDATORS OF THE HEART'S
RESPONSES TO PLAINTIFF'S FIRST
DISCOVERY REQUESTS

Page 6

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

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

5 **ANSWER:**

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

9

ANIMAL	HOW RECEIVED
Cougar	Owned prior 2007
2 Cougars	Born at facility
Bobcat	Rescue
15 wolves	Born at facility
4 Racoons	Rescue
2 Sloths	Authorities
Armadillo	Authorities
4 Sulcata Tortoises	Rescue
4 Ducks	Rescue
2 Doves	Rescue
3 Pheasants	Rescue
Porcupine	Authorities
Coatimindi	Authorities
3 Rabbits	Rescue
Giant Anteater	Authorities
8 Opossums	Rescue

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1	2 Marmosets	Authorities
2	9 Cockatoos	Authorities
3	2 Amazons	Authorities
4	6 Macaws	Authorities
5	15 Parakeets	Rescue
6	Lord Darby	Authorities
7	2 Cockatiels	Rescue
8	6 Plum Heads	Authorities
9	2 Red Footed Tortoises	Rescue
10	Blood Python	Rescue
11	2 Ball Pythons	Authorities
12	Rattlesnake	Authorities
13	Savannah Monitor	Rescue
14	Caiman Lizard	Authorities
15	2 Iguanas	Rescue
16	2 Reticulated Python	Rescue
17	Blue Tongue Skink	Rescue
18	6 Alligators	Authorities
19	2 Snapping Alligators	Authorities
20	2 Burmese Pythons	Rescue
21	Beaded Lizard	Rescue
22	Yellow Headed Vulture	Unknown
23	Striped Skunk	Rescue
24	Hooded Skunk	Authorities
25	Carpet Python	Rescue
26		

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

4
5 **INTERROGATORY NO. 7:** For the time period September 1, 2012, through the
6 present, identify every Escape of any Animal from its enclosure, including the Animals
7 involved, persons present at the Property when the Escape occurred (if any), persons notified
8 of the Escape, time elapsed before capture, and how and by whom the Animal was ultimately
9 captured.

10 **ANSWER:**

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

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

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

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

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

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

6 **ANSWER:**

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

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

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

15 **ANSWER:**

16 USDA Class C Exhibitors- 91-C-0071

17 Tax Exempt- 91-1951095

18 Skagit County Special Use Permit

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

22 **ANSWER:**

23 In 2014, a Skagit County Special Use Permit was refunded from the County. Due to the
24 permitting being unnecessary for POTH's operations.

1 **INTERROGATORY NO. 11:** For the time period September 1, 2012, through the
2 present, identify all instances in which you sold any Animal(s) in your custody, possession, or
3 control.

4 **ANSWER:**

Wolf Dog Transfer Date
8/16/12
4/17/13
5/1/13
5/2/13
5/13/13
5/14/13
5/23/13
6/5/13
6/17/13
6/17/13
6/26/13
6/28/13
7/6/13
5/19/14
6/2/14
4/13/15
4/16/15
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6/20/17
5/29/18

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

1 **ANSWER:**

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

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

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

9 **ANSWER:**

10 2017 Grant County Fair and Chelan County Fair.

11 2018 Chelan County Fair

12 2019 Chelan County Fair

13 2021 San Juan County Fair

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

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

21 **ANSWER:**

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

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

24 Jeremy Gier: Animal Caretaker Lead for Sloth and Birds

25 Timothy Wilson: Animal Caretaker Lead for Small Mammals

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

Denise Downs: Accountant: Accounts receivable

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

ANSWER:

None.

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

ANSWER:

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

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

ANSWER:

All enclosures meet all requisite USDA standards and requirements.

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

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

INTERROGATORY NO. 18: Identify all services or platforms which you have used to sell or advertise tours, including but not limited to Airbnb.

1 **ANSWER:**

2 POTH partners with AirBnB to promote and provide educational tours; such educational
3 tours are also listed on POTH's website.

4 **INTERROGATORY NO. 19:** Identify each instance in which you advised any
5 Plaintiff(s) of an Escape from the Property.

6 **ANSWER:**

7 For the Macaw escape: yes, neighbors were notified and assisted in re-capture. Macaw
8 ultimately flew back onto the POTH property.

9 2012 escape: neighbors were notified as was animal control and local law enforcement
10 (and USDA).

11 2021 escape: due to the swift nature and recapture of the wolfdogs, neighbors were
12 notified after re-capture. Animal control, local authorities and USDA were all notified
13 immediately.

14 **INTERROGATORY NO. 20:** Identify each person with knowledge of any Escape of
15 any Animal that was or is in your custody, possession, or control.

16 **ANSWER:**

17 Ashley Carr, Jeremy Geir, Holly Soyke, William Coleburn.
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1 **REQUESTS FOR PRODUCTION**

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

4 **RESPONSE:**

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

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

8 **RESPONSE:**

9 Please see response to interrogatory no. 2.

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

12 **RESPONSE:**

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

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

17 **RESPONSE:**

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

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

1 **RESPONSE:**

2 Please see produced documents at POTH 1176-1223.

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

5 **RESPONSE:**

6 Please see produced documents at POTH 1224-1259.

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

9 **RESPONSE:**

10 Please see produced documents at POTH 1260-1266.

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

14 **RESPONSE:**

15 Please see produced documents at POTH 1267-1287.

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

21 **RESPONSE:**

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

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

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

7 **RESPONSE:**

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

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

13 **RESPONSE:**

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

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

20 **RESPONSE:**

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

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

4 **RESPONSE:**

5 Please see produced documents at POTH 1293-1298.

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

8 **RESPONSE:**

9 Please see produced documents at POTH 1299-1304.

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

13 **RESPONSE:**

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

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

19 **RESPONSE:**

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

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

1 **RESPONSE:**

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

4 **REQUEST FOR PRODUCTION NO. 18:** Produce all Documents provided to Skagit
5 County in connection with your 2022 special use permit application.

6 **RESPONSE:**

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

10 **REQUEST FOR PRODUCTION NO. 19:** Produce all correspondence concerning
11 your 2022 special use permit application, including internal correspondence and
12 correspondence with Skagit County.

13 **RESPONSE:**

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

16 **REQUEST FOR PRODUCTION NO. 20:** Produce Documents sufficient to show
17 your legal claim to and ownership over the Property.

18 **RESPONSE:**

19 Please see produced documents at POTH 1409-1415.

20 **REQUEST FOR PRODUCTION NO. 21:** Produce all Documents reflecting any right
21 of refusal on sale of the Property.

22 **RESPONSE:**

23 No documents exist.

1 **REQUEST FOR PRODUCTION NO. 22:** Produce Documents sufficient to show any
2 easement access to the Property.

3 **RESPONSE:**

4 Please see produced documents at POTH 1416-1428.

5 **REQUEST FOR PRODUCTION NO. 23:** Produce all Documents concerning the
6 Escape that occurred in 2021.

7 **RESPONSE:**

8 Objection. The request asks for disclosure of communications that are protected by
9 attorney-client privilege. All relevant documents are available to Plaintiffs via public records.
10 Without waiving such objections, see produced documents for the USDA report of escape at
11 POTH 1429-1431.
12

13 **REQUEST FOR PRODUCTION NO. 24:** Produce all Documents concerning your
14 2022 purchase of the Property from William Coleburn, including your financing of that
15 purchase.

16 **RESPONSE:**

17 Objection. The request is unduly burdensome and not reasonably calculated to lead to
18 the discovery of relevant evidence. Without waiving these objections, please see produced
19 documents at 1432-1442.
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ATTORNEY CERTIFICATION

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

DATED this 31st day of October 2022.

OSERAN HAHN P.S.

By: s/ Caleb M. Stewart

Caleb M. Stewart, WSBA No. 51522

PARTY VERIFICATION

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

Date: October 31, 2022

Ashley Carr
President of Predators of the Heart

PL 22-0577

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EXHIBIT E

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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.


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Jonh Lunsford

Parks and Recreation
jonnl@cityofanacortes.org
360-299-1953
P.O. Box 547
Anacortes, WA 98221

Other News in What's Happening in Parks & Recreation



98221 Studio Gallery-CALL TO ARTISTS

Posted on: April 18, 2022

Washington Park Restrooms

Posted on: February 7, 2022

Never miss an update! Sign up to stay connected

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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

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