

**Planning Department**

(509) 786-5612  
P.O. Box 910  
Prosser, WA 99350



[www.co.benton.wa.us](http://www.co.benton.wa.us)

[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

**Prosser Office:** 620 Market Street, 1<sup>st</sup> Floor

**Kennewick Office:** 102206 East Wisner Parkway

**STAFF REPORT TO THE  
BENTON COUNTY HEARINGS EXAMINER  
EXTENSION REQUEST**

**FILE NO:** CUP 2017-004  
**HEARING DATE:** January 27, 2020  
**APPLICANT:** Trish Trickit as the Pit Bull Pen  
22206 East Kennedy Road Benton City, WA 99320  
**OWNER:** Nancy Kay Strom and Jesse Greenough  
22206 East Kennedy Road Benton City, WA 99320  
**LOCATION:** 22206 East Kennedy Road Benton City, WA 99320  
Short Plat 2653, Lot 4 Section 16, Township 9, Range 27, W.M.  
Parcel Number: 1-1697-301-2653-004  
**PROPERTY SIZE:** 2.5 acres  
**LAND USE:** Rural Residential  
**ZONING:** Rural Lands 5  
**COMPREHENSIVE  
PLAN DESIGNATION:** Rural Remote

**APPLICATION HISTORY AND EXTENSION REQUEST:**

Applicant originally applied to house and care for rescue dogs as well as occasionally holding adoption events at 22206 East Kennedy Road IN Benton City, WA.

On August 31, 2017, the Benton County Hearings Examiner conditionally approved the Conditional Use Permit giving Ms. Trickit one year to meet the Conditions of Approval. On October 22, 2018 on request from Ms. Trickit, the Hearings Examiner gave Ms. Trickit an additional year to finish meeting the conditions of approval.

Since that time, Ms. Trickit has not still not met the Conditions of Approval and it has come to the Planning Department's attention that Ms. Trickit is in violation of some of her conditions of approval as well as the Benton County Code. Benton County Code Enforcement has become involved and provided the attached information to Ms. Trickit and this office regarding recent complaints to their department and the Benton County Sheriff's Office.

A review of the building permit for the buildings associated with this CUP show Ms. Trickit has failed to renew her building permit since 2017 and nothing had been done to finish the work necessary to meet the conditions of approval in the Conditional Use Permit. However, Ms. Trickit continued to accept animals at her facility, at times exceeding the number of animals allowed on site by the Hearings Examiner's decision. It is this office's understanding that the property owner has recently renewed the building permit for Ms. Trickit.

Based on the information from the Applicant in her request for extension, the Benton County Code Enforcement Officer, and the Benton County Building Department, this office recommends denial of the extension request and a determination that the Conditional Use Permit is hereby null and void based on violations of the conditions of approval and the Benton County Code.

Attached is the Decision and extension history for this Conditional Use Permit file.

## CUP 2017-004 EXTENSION REQUEST

Yes I am currently operating The Pit Bull Pen

Yes I expect to conduct all activities that were approved for on August 31, 2017

Yes I am in compliance with all requirements from Benton Franklin Health District

The number of dogs on site varies daily depending upon intakes and those moved out to fosters. Ideally adults come in, get assessed and move to fosters within 2-3 days.

The highest number of adult dogs is during adoption events and holiday weekends when fosters are out of town.

Currently waste is cleaned up using potty pads, cleaners and paper towels or comparable materials. All soiled paper products are bagged and deposited into the trash cans that are picked up weekly. As well the outdoor droppings are collected, bagged and deposited into the trash cans that are either picked up weekly or taken to an appropriate waste facility.

Page 2

Signage on property On occasion a banner may be put up but this is the only signat this time including vehicles.

### ITEMS NEEDING COMPLETED

Building interior- walls are framed, we need to finish/modify electrical, install insulation, sheetrock, tape, texture, paint. I am getting estimates on this portion and it will get done this year. I had relied on volunteers that did not follow through so now we will throw money at it.

Heat and A/C- units are already installed except for outdoor units which are on site and will be installed by a heating company as a donation.

Roof repair- this month weather permitting. I have an estimate of \$5,000 as well as a grant of \$5,000 to cover this expense.

Fencing- will be added as needed to expand play yards and kennel areas. There are many kennel panels as well as fencing supplies already on site for this purpose so no further expense except for new permanent fencing areas.

Building exterior- complete small amount of siding on front, back wall and trim windows, paint.



Front gate



Front area fencing that includes 1 yard detached from others with a 4' barrier in between. The tarped kennel is temporary shade from the summer and was rain/snow cover until the last wind storm, it has been disassembled.



Back play yard area #1



Back play yard area #2

There are 2 temporary kennel areas on the east side of the building that will be replaced this year.

There is 6' chain link in areas where the dogs are off leash and they are leashed if moving between areas.



Blue is fencing already completed  
Yellow is next permanent fencing to be completed  
Blue on the building are where walls are framed up now

## Code Enforcement

P.O. Box 910  
Prosser, WA 99350



Code Enforcement Officer: D. Wilson  
Phone (509) 222-2301  
Fax (509) 786-5629

January 8, 2020  
CE Case #20-01-006

**Re: The Pit Bull Pen Rescue 22206 E. Kennedy Rd., Benton City, WA 99320**  
**Tax Parcel # 1-1697-301-2653-004**

In the last six (6) months there have been two documented complaints regarding the conditions and treatment of animals at the Pit Bull Pen Rescue located at 22206 E. Kennedy Rd., Benton City, WA 99320.

The first complaint was June 22, 2019 and was dispatched to the Benton County Sheriff's Department (case #19-10045). The nature of the complaint is in regard to the number of dogs on the property (30), none of them have their required shots and the dogs are in their own feces.

Deputy Tunesvik responded and was unable to contact anyone on site but noted that there were a lot of dogs and piles of dog feces all over.

On December 17, 2019 a complaint was emailed to the Planning Department and a Code Enforcement case was opened on January 7, 2019. The nature of the complaint is in regard to the number of dogs she is keeping, which she indicated were over the 10 dog limit; dog feces is not cleaned up for long periods of time; the keeping of dogs inside the residence with kennels inside the residence; animal are generally kept outdoors in extreme temperatures; the kennels are not insulated, no heating and air; animals don't get exercised.

I followed up on the Conditional Use Permit 2017-004, including the results of the Hearings Examiner and have noted the following violations:

1. Animal waste was supposed to be approved and/or permitted by the Department of Ecology. This has not been completed.
2. The well serving the property must be upgraded to a public water supply. This has not been completed or applied for since the CUP application June of 2017. Benton County Sheriff's Deputy noted in a dispatch call to the property that there are a lot of dogs and piles of dog feces all over (BCSO Case# 19-10045)
3. There has not been a road approach permit obtained through the Benton County Public Works Department. Public Works confirmed on January 7, 2020 that the current approach does not meet their requirements and a new approach would have to be completed.
4. Facility conditions and improvements have not been completed as there are no permits for some of the required work such as electrical permits and/or building permits for improvements.
5. The applicant confirmed in the extension request that they are currently operating the commercial kennel, which violates the decision of the Hearings Examiner.
6. The extension of the conditionally approved CUP Permit has not been met during the extension period which expired in October 2019, which was an extra year extension.
7. CUP is for no more than 10 dogs, it appears that she violates this number frequently. Benton County Sheriff's Deputy indicated there were lots of dogs on the property June 2019 (BCSO Case #19-10045).

During the course of the Code Enforcement investigation it was discovered that the structure that is currently being used as the commercial dog kennel has never received authorization on a final inspection and therefore should not be used or occupied until such approval by the Benton County Building Department (Bldg. Permit #22085).

The Pit Bull Pen Rescue was notified of the status of the structure in regard to the building permit in an email conversation with the Benton County Building Department Permit Technician on April 25, 2017.

Due to the lack of action by Trish Trickit and/or the Pit Bull Pen Rescue, I, Benton County Code Enforcement Officer, request that this conditionally approved Conditional Use Permit 2017-004 be revoked and that the commercial kennel activities immediately cease and desist and that the structure not be used and/or occupied until a final inspection is approved by the Benton County Building Department.

The occupants or legal owners of the property may keep personal dogs up to a limit of four on the property, excluding dogs less than 6 months of age.

A Benton County Code Violation Warning Notice will be mailed to the property owner and the occupant of the property Trish Trickit informing them of the current violations of the Benton County Codes with required corrective action needed to avoid further code enforcement action

including but not limited to \$500.00 civil citations which could result in criminal misdemeanor charges if the violations were to continue to exist.

Sincerely,



A handwritten signature in black ink, appearing to read "Dale Wilson", written over a horizontal line.

Dale Wilson, Code Enforcement Officer  
Benton County Washington  
(509) 222-2301

cc: File  
Planning Department

## Dale Wilson

---

**From:** Tomi Chalk  
**Sent:** Tuesday, April 25, 2017 4:24 PM  
**To:** pitbullpen@gmail.com  
**Cc:** Steve Brown; Dale Wilson; Clark Posey  
**Subject:** RE: 22206 e kennedy rd

I found a permit from 2006 for Robert James Muth for a 48x48 barn, it was never final. The parcel number is 1-1697-301-2653-004. You would need to do a Public Request for other information.  
Thank you

*Tomi L Chalk  
Permit Technician  
Benton County Building Department  
Phone: 509-735-3500*

**From:** Rod Worthington  
**Sent:** Tuesday, April 25, 2017 3:21 PM  
**To:** The Pit Bull Pen <thepitbullpen@gmail.com>  
**Cc:** Dale Wilson <Dale.Wilson@co.benton.wa.us>; Clark Posey <Clark.Posey@co.benton.wa.us>; Tomi Chalk <Tomi.Chalk@co.benton.wa.us>  
**Subject:** RE: 22206 e kennedy rd

Trish

I show no building permits in my data base on that address. If you have a building permit number or the parcel ID number I can do another search for records. You will need to contact the Planning Department for the allowed uses for the property. They will let you know if you will have any land use issues to work on.

Regards  
Rod Worthington  
Plans Examiner  
Benton County Building Department

**From:** The Pit Bull Pen [<mailto:thepitbullpen@gmail.com>]  
**Sent:** Tuesday, April 25, 2017 3:06 PM  
**To:** Rod Worthington <[Rod.Worthington@co.benton.wa.us](mailto:Rod.Worthington@co.benton.wa.us)>  
**Subject:** 22206 e kennedy rd

Hello Rod!

I have a building that was initially permitted as a barn, owners flaked and it was not completed. I need to figure out where we are with this building and how best to proceed. What is required for barn occupancy? Is a change

of use required to have dog kennels inside this building? Only the front half of the building will be used for kennels and rescue stuff, the back half would be for storage. A;sp, can living quarters be added behind this building and what would be involved with that?

Thank you, Trish

---

*The Pit Bull Pen*

*(509) 588-9993*

[www.thepitbullpen.org](http://www.thepitbullpen.org)

# BENTON COUNTY BUILDING DEPARTMENT - BUILDING PERMIT

22085

Date issued 4/11/06 Date Expires 4/11/08 Permit # \_\_\_\_\_  
 (Permit expires 2 years from date issued)

1. OWNER: Robert James Muth HOME PHONE: 588-5009  
 CURRENT MAILING ADDRESS: 701 W. 13th St B.C. WORK PHONE: \_\_\_\_\_

2. PROJECT LOCATION: 22206 E. Kennedy Rd - B.C.

3. LEGAL LOT NO: 4 BLOCK: \_\_\_\_\_ SUB/SHORT PLAT: \_\_\_\_\_  
 DESCR. TAX PARCEL NO: 1-1697-301-2653-004

4. CONTRACTOR: owner ADDRESS: \_\_\_\_\_  
 PHONE: \_\_\_\_\_ LICENSE #: \_\_\_\_\_ EXP. DATE: \_\_\_\_\_

5. LENDER/BOND FIRM: owner PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

6. TYPE OF WORK: Storage BUILDING TYPE: NA VALUATION: 48,384

7. DESCRIPTION OF WORK: 48x48 @ 21  
STICK FRAME

A) BEDRMS. \_\_\_\_\_  
 B) BATHS \_\_\_\_\_  
 C) STORIES: \_\_\_\_\_

8. DIRECTIONS TO SITE: \_\_\_\_\_

COPY

GENERAL INFORMATION			FEES	
9. WITHIN CRITICAL AREA: <u>NA</u>	DOC: (SEE ATT)	18. PERMIT FEE: <u>631.00</u>		
10. FLOODPLAIN/WAY: <u>NA</u>	ELEVATION: _____	19. PLUMBING FEE: _____		
11. IN OR WITHIN 500' GMA AG: <u>U</u>	AMIN. RES.: <u>NA</u>	20. MECHANICAL FEE: _____		
12. CONSTRUCTION TYPE: <u>UB</u>	OCCUPANCY: <u>U-1</u>	21. OTHER FEE: _____		
13. ZONE: <u>AG</u>		22. PLAN REVIEW FEE: _____		
14. SEPTIC/SEWER: <u>NA</u>	POTABLE WATER: <u>NA</u>	23. PROCESSING FEE: _____		
15. SPECIAL APPROVAL: <u>NA</u>	ROAD ENCROACHMENT: <u>NW</u>	24. ADDRESS POST: _____		
16. SITE PLAN REQUIRED: _____	MIN. S/B BEGINNING: <u>SPL</u>	25. MISC. FEES: _____		
FRONT: <u>25</u> SIDE: <u>10</u> SIDE: <u>10</u> REAR: <u>10</u>		26. STATE BLDG. CODE FEE: _____		
17. OTHER: _____		27. TOTAL FEES: <u>635.50</u> <u>4.50</u>		
		28. CHECK #: <u>1631</u> CHECK AMOUNT: <u>635.50</u>		
		29. CASH AMOUNT: _____		

RECORD OF INSPECTIONS	
SETBACK/FOOTING: <u>5-3-06 RH OK</u>	DRYWALL: _____
FOUNDATION: <u>5-8-06 WUC OK</u>	OTHER: _____
GROUND PLUMBING: _____	FINAL: _____
UNDERSLAB: _____	ROAD APPROACH APPROVAL: _____
PLUMBING: _____	SEPTIC/SEWER APPROVAL: _____
MECHANICAL: _____	WATER APPROVAL: _____
FRAMING: <u>1 29 09 RH OK</u>	CERT. OF OCCUPANCY ISSUED: _____
INSULATION: _____	<input type="checkbox"/> PICKED UP <input type="checkbox"/> MAILED

Recap # 23807 4/28/06

THIS PERMIT DOES NOT AUTHORIZE ANY WORK IN PUBLIC RIGHT-OF-WAY OR ON UTILITY EASEMENTS  
 1. I hereby certify that no work is to be done except as described above and agree to comply with all ordinances and state laws regulating building construction.

Use of Building: \_\_\_\_\_

2. I hereby apply for all required certificates of occupancy to use the above described building for the use specified.  
 3. NOTE: Plot plans submitted to the Building Department are for determining setbacks according to Benton County Code, Chapter 11. Location of buildings, other than code requirements, is the responsibility of the permit holder.

OWNER / AUTHORIZED AGENT: Robert Muth BLDG. DEPT. Loni & Chack  
 Subject to compliance with the ordinances of the County of Benton and information filed herewith, this permit is granted.

CALL FOR INSPECTION  
REQUIRES 24 HOUR  
PRIOR NOTICE

FOR ALL INSPECTION  
REQUESTS CALL:  
736-2763 FROM TRI-CITIES  
786-5487 FROM PROSSER

A RE-INSPECTION FEE  
WILL BE CHARGED FOR EACH  
INDIVIDUAL INSPECTION  
EXCEEDING TWO

FEES ARE NOT REFUNDABLE

BENTON COUNTY  
BUILDING DEPT.  
KENNEWICK 735-3500  
PROSSER 786-5622

**Code Enforcement**

P.O. Box 910  
Prosser, WA 99350



Code Enforcement Officer D. Wilson  
102206 E. Wiser Parkway  
Kennewick, WA 99338  
Phone (509) 222-2301

## Benton County Code Violation Warning Notice

January 9, 2020  
Case# 20-01-006

Patricia Louise Trickit  
22206 E. Kennedy Rd.  
Benton City, WA 99320

**Re: 22206 E. Kennedy Rd., Benton City, WA 99320**  
**Tax Parcel # 1-1697-301-2653-004**

Dear Ms. Trickit:

A complaint was received at the Benton County Code Enforcement Office regarding the use of the shop on the property. The shop that is currently in use has never received all the required inspections on the original building permit (permit # 22085 issued 4/11/2006). Utilizing the shop prior to authorization on the final inspection is prohibited.

Since the original building permit is expired, there are currently no permits for the construction of the detached shop which violates the following building codes listed below.

The original Benton County Building Permit needs to be reapplied for with the Benton County Building Department so the rest of the required inspection can be performed. A valid permit is required in accordance with the 2015 International Residential Code, which is adopted by Benton County Code 3.04.010:

**2015 International Residential Code Section R105 Permit-R105.1 Required-** *Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.*

Failure to reapply for the permit will result in the following penalties:

### **Benton County Code 3.04.065 Violations-Penalties-**

*(a) Upon a finding of a first violation of any provision of this chapter, any person or contractor shall be punished by a civil penalty not to exceed five hundred dollars (\$500) for said violation, shall be responsible for court costs, if applicable, and shall be ordered to pay restitution for any damages caused by said violation.*

*(b) Upon the court's finding of a second or subsequent violation of the same provision of this chapter, any person or contractor shall be found guilty of a misdemeanor.*

*[Ord. 138 (1980) § 9; Ord. 161 (1983) § 6; Ord. 175 (1984) § 1; Ord. 190 (1986) § 8; Ord. 242 (1993) § 10; Ord. 303 (1997) § 3]*

The building must not be in use and/or occupied until authorization on the final inspection is approved by the Benton County Building Department in accordance with the following International Residential Code:

**2015 International Residential Code Section R109 Inspections- R109.1.6-** *Final inspections shall be made after the permitted works is complete and prior to occupancy.*

Occupying the building or utilizing the building will result in the following penalties:

**Benton County Code 3.04.065 Violations-Penalties-**

*(a) Upon a finding of a first violation of any provision of this chapter, any person or contractor shall be punished by a civil penalty not to exceed five hundred dollars (\$500) for said violation, shall be responsible for court costs, if applicable, and shall be ordered to pay restitution for any damages caused by said violation.*

*(b) Upon the court's finding of a second or subsequent violation of the same provision of this chapter, any person or contractor shall be found guilty of a misdemeanor.*

*[Ord. 138 (1980) § 9; Ord. 161 (1983) § 6; Ord. 175 (1984) § 1; Ord. 190 (1986) § 8; Ord. 242 (1993) § 10; Ord. 303 (1997) § 3]*

**Corrective Action:**

Reapply for Benton County Building Permit 22085 and complete the required inspections and/or make the necessary corrections to ultimately receive the final inspection, which would allow you to use the structure for its permitted purpose.

You can contact the building department at their new location:

Benton County Public Services Building  
102206 E. Wiser Parkway  
Kennewick, WA 99338  
(509) 735-3500

The reappplied for permit will be valid for 6 months due to code enforcement action and current violations of the building being utilized. During this time frame you must receive authorization on the final inspection to alleviate any penalties as described above.

As the property owner and/or the occupant of the property, you are responsible for the described violations, which must be corrected by **January 27, 2020**, which includes the reappplied for building permit and inspections. Failure to comply with the corrective action will result in the following penalties described earlier in this notice.

Please bring a copy of this letter with you when contacting the Benton County Building Department to reapply for the building permit.

Sincerely,



  
Dale Wilson, Code Enforcement Officer  
Benton County Washington  
(509) 222-2301

cc: File  
Building Department  
Planning Department  
Ms. Nancy Strom



## Benton County Code Violation Warning Notice

January 9, 2020  
Case# 20-01-006

Nancy Kay Strom  
4209 S. Cascade St.  
Kennewick, WA 99337

**Re: 22206 E. Kennedy Rd., Benton City, WA 99320**  
**Tax Parcel # 1-1697-301-2653-004**

Dear Ms. Strom:

A complaint was received at the Benton County Code Enforcement Office regarding the use of the shop on the property. The shop that is currently in use has never received all the required inspections on the original building permit (permit # 22085 issued 4/11/2006). Utilizing the shop prior to authorization on the final inspection is prohibited.

Since the original building permit is expired, there are currently no permits for the construction of the detached shop which violates the following building codes listed below.

The original Benton County Building Permit needs to be reapplied for with the Benton County Building Department so the rest of the required inspection can be performed. A valid permit is required in accordance with the 2015 International Residential Code, which is adopted by Benton County Code 3.04.010:

**2015 International Residential Code Section R105 Permit-R105.1 Required-** *Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.*

Failure to reapply for the permit will result in the following penalties:

### **Benton County Code 3.04.065 Violations-Penalties-**

*(a) Upon a finding of a first violation of any provision of this chapter, any person or contractor shall be punished by a civil penalty not to exceed five hundred dollars (\$500) for said violation, shall be responsible for court costs, if applicable, and shall be ordered to pay restitution for any damages caused by said violation.*

*(b) Upon the court's finding of a second or subsequent violation of the same provision of this chapter, any person or contractor shall be found guilty of a misdemeanor.*

*[Ord. 138 (1980) § 9; Ord. 161 (1983) § 6; Ord. 175 (1984) § 1; Ord. 190 (1986) § 8; Ord. 242 (1993) § 10; Ord. 303 (1997) § 3]*

The building must not be in use and/or occupied until authorization on the final inspection is approved by the Benton County Building Department in accordance with the following International Residential Code:

**2015 International Residential Code Section R109 Inspections- R109.1.6-** *Final inspections shall be made after the permitted works is complete and prior to occupancy.*

Occupying the building or utilizing the building will result in the following penalties:

**Benton County Code 3.04.065 Violations-Penalties-**

*(a) Upon a finding of a first violation of any provision of this chapter, any person or contractor shall be punished by a civil penalty not to exceed five hundred dollars (\$500) for said violation, shall be responsible for court costs, if applicable, and shall be ordered to pay restitution for any damages caused by said violation.*

*(b) Upon the court's finding of a second or subsequent violation of the same provision of this chapter, any person or contractor shall be found guilty of a misdemeanor.*

*[Ord. 138 (1980) § 9; Ord. 161 (1983) § 6; Ord. 175 (1984) § 1; Ord. 190 (1986) § 8; Ord. 242 (1993) § 10; Ord. 303 (1997) § 3]*

**Corrective Action:**

Reapply for Benton County Building Permit 22085 and complete the required inspections and/or make the necessary corrections to ultimately receive the final inspection, which would allow you to use the structure for its permitted purpose.

You can contact the building department at their new location:

Benton County Public Services Building  
102206 E. Wiser Parkway  
Kennewick, WA 99338  
(509) 735-3500

The reappplied for permit will be valid for 6 months due to code enforcement action and current violations of the building being utilized. During this time frame you must receive authorization on the final inspection to alleviate any penalties as described above.

As the property owner and/or the occupant of the property, you are responsible for the described violations, which must be corrected by **January 27, 2020**, which includes the reappplied for building permit and inspections. Failure to comply with the corrective action will result in the following penalties described earlier in this notice.

Please bring a copy of this letter with you when contacting the Benton County Building Department to reapply for the building permit.

Sincerely,



A handwritten signature in blue ink that reads 'Dale Wilson'.

Dale Wilson, Code Enforcement Officer  
Benton County Washington  
(509) 222-2301

cc: File  
Building Department  
Planning Department  
Ms. Trish Trickit

**BENTON COUNTY HEARINGS EXAMINER  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**Extension Request for CUP 2017-004**

**October 22, 2018**

---

**1. FINDINGS OF FACT**

**1.1 Introduction.** The Applicant, property owners and location are as follows:

**Applicant:** Trish Trickit/DBA The Pit Bull Pen, 22206 Kennedy Road, Benton City, WA 99320

**Property Owners:** Nancy Kay Strom and Jesse Greenough, 4209 S. Cascade Street, Kennewick, WA 99337.

**Location:** 22206 East Kennedy Road, Benton City, WA 99320 on a developed site also known as Lot 4 of Short Plat 2653 in Section 16, Township 9 North, Range 27 East, W.M.

**1.2 Conditional Use Permit.** The Benton County Hearings Examiner approved CUP 2017-004 on August 31, 2017. The CUP allows for the operation of a commercial kennel for the boarding and keeping of up to 10 dogs at a time.

**1.3 Applicant's Extension Request.** The Applicant requested a one-year extension by correspondence dated August 6, 2018, which the County Planning Department recommended approval of.

**1.4 Administrative Record.** The Hearings Examiner reviewed:

<b>Date</b>	<b>Document Description</b>
	Agenda
October 3, 2018	Planning Department Memo to Hearings Examiner, attaching Applicant's Letter (August 6, 2018)
August 31, 2017	Benton County Hearings Examiner Findings of Fact, Conclusions of Law and Decision for CUP 2017-004

**1.5 Hearing.** The Hearings Examiner considered the Applicant's request at an open record public hearing on October 15, 2018. The Applicant's correspondence dated August 6, 2018, details the progress made to date and the reasons the extension is needed. The County Planning Department summarized the basis for the request, and the Applicant provided sworn testimony in support, including detail on recovering from a broken leg. No comment opposing the extension was presented.

**1.6 Basis for Extension.** Given progress made to date and investment of resources, there is a reasonable basis for granting an extension.

## **2. CONCLUSIONS OF LAW**

**2.1** The Benton County Code and CUP 2017-004 require the Applicant to fulfill all CUP conditions no later than one year from when the permit is conditionally approved. The approval may be voided if all conditions are not complied with within one year. However, before this occurs, the Applicant must be notified in writing at the Applicant's last known address at least twelve days in advance.<sup>1</sup>

**2.2** Neither the Benton County Code nor CUP 2017-004 mandates the automatic voiding of an approval after one year. Instead, the Applicant is afforded advance notice before same occurs, and the Hearings Examiner has discretion to grant an extension.

**2.3** Based on the findings above, including those in paragraphs 1.5 and 1.6, granting a one-year extension is both reasonable and consistent with the Benton County Code.

### **DECISION**

The Hearings Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves a one-year extension for CUP 2017-004, provided the following condition is met: All conditions of approval for CUP 2017-004 shall be met by October 15, 2019.

THIS DECISION is entered this 22nd day of October, 2018.



Benton County Hearings Examiner  
Susan Elizabeth Drummond

---

<sup>1</sup> BCC 11.52.089(d) and CUP 2017-004, Condition 2.

Benton County Planning Department

RE: CUP 2017-004 Status Update

October 11, 2019



Dear hearings examiner,

I am requesting a 1 year extension on obtaining my permit. I have completed most of my fencing, gotten walls framed up inside the shop and the roof repair will be done soon too. There has also been a lot of general clean-up this year.

I have a contractor lined up to finish the interior of the building but he won't start until he completes a couple other jobs.

Things are going really and we are gaining community support and I believe this will be completed in the next year.

Thank you for your time,

Trish Tricki



**BENTON COUNTY HEARINGS EXAMINER  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**In the Matter of Request CUP 2017-004  
August 31, 2017**

The Hearings Examiner makes the following Findings of Fact, Conclusions of Law, and Decision:

**1. FINDINGS OF FACT**

**1.1 Proposal/Project Description.** The Applicant, Trish Trickit/DBA The Pit Bull Pen, requested a conditional use permit to operate a commercial kennel for the boarding and keeping of up to ten adult dogs (six months or older) at a time on a 2.5 acre parcel. The Applicant, property owner, and site location are as follows:

**Applicant:** Trish Trickit/DBA The Pit Bull Pen, 22206 Kennedy Road, Benton City, WA 99320.

**Property Owner:** Nancy Kay Strom, 4209 South Cascade Street, Kennewick, WA 99337.

**Site Location:** The site is located at 22206 East Kennedy Road, Benton City, WA 99320 on a developed site also known as Lot 4 of Short Plat 2653 in Section 16, Township 9 North, Range 27 East, W.M.

**1.2 Administrative Record.** The Hearings Examiner reviewed the following exhibits, all of which are admitted into the Administrative Record.

Date	Document Description
	Agenda
August 8, 2017	Planning Department Memo, with Exhibits HEM 1.1-1.9, and HER 1.1.
August 8, 2017	• HEM 1.1 Staff Memo
July 14, 2017	• HEM 1.2 Site Map
June 28, 2017	• HEM 1.3 Kennewick Irrigation District Comment
July 11, 2017	• HEM 1.4 Benton Franklin Health District Comment
July 14, 2017	• HEM 1.5 Benton PUD Comment
July 15, 2017	• HEM 1.6 Benton County Fire Marshal Comment
August 2, 2017	• HEM 1.7 Notice of Open Record Hearing
August 11, 2017	• HEM 1.8 Comment from Neighbor Meredith Sloan
August 18, 2017	• HEM 1.9 Comment from Neighbor Judy Giles
June 13, 2017	• HER 1.1 CUP Application and Supporting Documents

Notes --

HEM: Hearings Examiner Memo Exhibits

HER: Hearings Examiner Record Exhibits

6. The site is currently developed with a single-family dwelling and outbuildings. The surrounding properties are developed in both residential and agricultural purposes.
7. The site and surrounding properties are zoned Rural Lands 5.
8. The Benton County Comprehensive Plan designated the site and surrounding areas as Rural Lands 5.
9. The Benton County Department of Public Works requires that the approach onto Kennedy Rd be paved in strict compliance with the standards and specifications established by the Benton County Engineer and under Benton County Resolution 2017-304.
10. The applicant did not address in their application how waste from the animals would be handled. Any waste must be disposed of in accordance with state and local laws.
11. Typically, the Hearings Examiner has approved Conditional Use Permit applications for dog kennels when the animals are housed in indoor kennels to minimize noise and with proper ventilation. The housing of dogs inside a residence is not permissible due to sanitary purposes.
12. The Benton-Franklin Health District made the following comments on July 11, 2017:
  - “1. The animal waste generated by the kennels must be directed to a disposal component that has been permitted and approved by the Department of Ecology.
  2. The well serving this property must be upgraded to a Public Water Supply. In 2010 Ms. Trickit applied for the application to upgrade the single family well to a 2-Unit Group B Public Water Supply. The process was nearly 100% completed, however one deficiency was not resolved and after a matter of time the application was dead-filed. Prior to the well-being approved as a 2-Unit Group B Public Water Supply, the following items must be completed:
    - A current Bacteriological and Nitrate test must be submitted to this office, and both tests must come back satisfactory.
    - The final deficiency must be corrected. Currently the septic tank serving the mobile home is within the 100’ radius of the proposed public water supply. Ms. Trickit has two options that she may choose from to resolve this matter and correct the deficiency:
    - The septic tank must be moved so that it is outside of the well’s 100’ sanitary control area. In addition, the septic tank inlet line must be sleeved from where it exits the mobile home through the 100’ sanitary control area.
    - A licensed Hydrogeologist or Engineer would be hired to provide technical justification to this department supporting a decrease in the size of the sanitary control area (Decreasing the sanitary control area to the point whereby the existing septic tank would no longer be within the sanitary control area). The justification must address geological and hydrogeological data, well construction details, and other relevant factors necessary to provide adequate sanitary control.”
13. The Kennewick Irrigation District, Benton PUD and Benton County Fire Marshal all responded to a request for agency review with no comments.
14. The applicant has requested one 2’ x 2’, 5-foot-tall sign on the property.

15. The proposed use would not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the Rural Lands 5 zoning district such as schools, churches, libraries, community club houses, stills, packaging sheds and five borders and/or lodgers in any one family dwelling unit.
16. The proposed use as shown in the application would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the Rural Lands 5 zoning district such as schools, churches, libraries, community club houses, stills, packaging sheds and five borders and/or lodgers in any one family dwelling unit.
17. The proposed use as shown in the application would be supported by adequate service facilities, if the conditions as requested by the Planning Staff were required. The proposed use would not adversely affect public services to the surrounding area. There is no evidence to support that the site would not be adversely affected. The residence on site is served by existing necessary services.
18. The Benton County Building Department stated that any new structures or fencing greater than 7 feet in height require a building permit.

#### **ORIGINAL CONDITIONS OF APPROVAL**

1. Applicant shall not conduct any of the activities within the scope of Conditional Use Permit 2017-004 until the applicant is in compliance with all the conditions set forth herein. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the Conditional Use Permit until those conditions have been met.
2. If the conditions of approval have not been met and the Planning Department does not issue the Conditional Use Permit within one (1) year from the time the Hearings Examiner conditionally approved this permit, the Hearing Examiner may declare its approval null and void at a regular Hearing Examiners meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Hearings Examiner meeting.
3. That the applicant continues to meet the requirements sent from the Benton-Franklin Health District to the Benton County Planning Department as outlined in the July 8, 2017, letter. If employees are hired, additional Health District requirements will have to be met. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2017-004 is in effect.
4. The requested Conditional Use Permit would be granted for the keeping of up to ten (10) dogs (6 months and older) on site. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2017-004 is in effect.
5. That the dogs be kept in a kennel that is indoors with insulated walls and ceiling and sheetrock interior and concrete flooring for sanitation, to minimize noise and to keep proper ventilation, i.e. heated in the winter and air conditioned in the summer. The housing of dogs inside a residence is not permissible due to sanitary conditions. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2017-004 is in effect.
6. That the property owner and/or the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the

Benton-Franklin Health Department, and all other local, state and federal regulations pertinent to the Conditional Use Permit pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2017-004 is in effect.

7. A fence must be constructed around the outside kennels that will house the dogs. The height of the fence shall be a minimum of four (4) feet for small dogs and six (6) feet for large dogs and shall be maintained in good repair for segregation and separation of the dogs. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2017-004 is in effect.

8. That any waste created as a result of the Conditional Use Permit must be disposed of in compliance with all local, state and/or federal regulations. Applicant must adequately collect and treat all of the waste generated by the animals contained on the property. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2017-004 is in effect.

9. As requested in the application, the proposed kennel would not have any non-resident employees and one sign of 2' x 2' and 5' tall that will be used to identify the property as a kennel. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2017-004 is in effect.

10. If all conditions of approval are not met within one (1) year of the date of approval, a limit of three (3) dogs will be the maximum number of animals approved to be living on site.

11. If this permit is approved meeting all conditions, a total of ten (10) dogs will be the maximum allowed to live on this parcel. If additional animals are requested then a new Conditional Use Permit would be required. If the applicant is found to be housing more than ten (10) dogs, this Conditional Use Permit will be terminated under Benton County Code 11.52.089(e).

12. The applicants shall meet and continue to meet all requirements of RCW 16.52.310 (as listed below) while Conditional Use Permit CUP 2017-004 is in effect.

“(1) A person may not own, possess, control, or otherwise have charge or custody of more than fifty dogs with intact sexual organs over the age of six months at any time.

(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise

requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

- (c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:
    - (i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;
    - (ii) Housing facilities must enable all dogs to remain dry and clean;
    - (iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;
    - (iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;
    - (v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;
    - (vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;
    - (vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and
    - (viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.
  - (d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.
  - (e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.
- (3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor."

13. This Conditional Use Permit may not be transferred by a holder. If a new property owner wishes to have a commercial kennel, a new Conditional Use Permit application must be applied for and approved by the Benton County Hearing Examiner.

The Planning Department would support a one-year extension of this Conditional Use Permit.

Benton County Planning Department

RE: CUP 2017-004 Status Update

August 6, 2018

Dear hearings examiner,

I am requesting a 1 year extension on obtaining my permit. I am working very hard to complete the requirements and making progress. I lost about 6 months because of a broken leg and would very much appreciate having the extra time.

Fencing is almost completed and we'll be fixing up the building next. I am confident the project will be completed before another year passes but in the event something else happens like a broken leg there will still be sufficient to complete the project.

Thank you for your time,

Trish Trickit

BENTON COUNTY PLANNING DEPARTMENT  
CONDITIONAL USE APPLICATION  
FILE NO. CUP 2017-004



1. Applicant Name Trish Trickit as The Pit Bull Pen  
Applicant Address: 22200 E Kennedy Rd Benton City, WA 99320  
Telephone number: Home 509 588 9993 Work \_\_\_\_\_

2. Legal owners name: Nancy Kay Strom Jesse Greenough  
Legal Owners address: 4209 S Cascade St Kennewick WA 99337  
Telephone number: Home 509 581 2121 Work \_\_\_\_\_

If you wish to be contacted by email please list your email address:  
The Pit Bull Pen @ Gmail.com J77yrs@yahoo.com

3. Parcel Number or Legal description of property for which permit is for:  
1169730126.53004

4. If you are amending a previous conditional use/special use permit please list the file number(s):  
N/A

5. The Conditional Use Permit is requested to conduct the following use: **Please be as specific and detailed as possible. Use additional paper if necessary.**  
House and care for dogs as rescue activity. Train, exercise and rehabilitate the ones who need additional support. Hold adoption events, Quarantine strays

6. The property will be served by:  
WATER: Well  Private System \_\_\_\_\_ City System \_\_\_\_\_  
SEWER: Septic Tank  City Sewer \_\_\_\_\_  
POWER: PUD  REA \_\_\_\_\_  
PHONE: Yes  No \_\_\_\_\_ Name of Utility Frontier  
GAS: Yes \_\_\_\_\_ No  Name of Utility \_\_\_\_\_  
CABLE: Yes \_\_\_\_\_ No  Name of Utility \_\_\_\_\_  
IRRIGATION: Yes \_\_\_\_\_ No  Name of Utility \_\_\_\_\_  
PRIVATE IRR. Yes \_\_\_\_\_ No

7. Total acres of property: 2.5 Zoning Classification of Property: Rural lands 5  
Comprehensive Plan Designation \_\_\_\_\_

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: well, septic, pumphouse, singlewide mobile home, 4 BASH, 3 conex containers

9. Describe existing structures and present land uses in the surrounding area of your property:  
Houses, manufactured homes, shops, semi-commercial

10. Please answer the following questions. **PLEASE BE SPECIFIC - USE ADDITIONAL PAPER IF NECESSARY.**

- a. Is there a residence on site? Yes  No
- b. Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes  No
- c. Does at least one of the proprietors live in said residence? Yes  No
- d. List the number of non-resident employees. 0
- e. What is the **total** square footage of the detached building to be used for the business? 2304
- f. What is the **total** square footage that will be used for the business activity?  
1800
- g. Is only one detached building to be used for the business activity? Yes  No
- h. Are any signs going to be used with the business activity? Yes  No   
If yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used. 1 @ 2x2' 5' tall
- i. State the number of vehicles marked to identify the business to be stored on site.  
1 when I get it
- j. List the number of off street parking spots 20
- k. What County Road does the site access off of? Kennedy
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week wed-sat  
Hours of Operation 12-1e

11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.

- A. Dimensions of the property.
- B. Location and size of the proposed use, number of parking spaces, etc., complete with distances between buildings and all property lines.
- C. Location and size of existing structures, complete with distances, buildings and all property lines.
- D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)
- E. Label and Show a floor plan for the structure to be used for the Business Activity.

COMMENTS OR PERTINENT INFORMATION:

---

---

**Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.**

**Signature Block for individuals only.**

I certify that the information given above is true and complete.

*Trish Trickit*  
Applicant's Signature

Trish Trickit  
Print Name

5-19-17  
Date

*Nancy Kay Strom*  
Signature of Legal Owners

Nancy Kay Strom  
Print Name

5-31-17  
Date

*Jesse Greenough Jr*  
Signature of Person with additional ownership interest

JESSE GREENOUGH JR  
Print Name

5-31-17  
Date

**If the applicant or legal owner is a corporation/partnership/LLC etc. please use the following signature block. Please copy this page if there is more than one corporation/partnership/LLC signature required.**

Applicant or Legal Owner: *Trish Trickit* The Pit Bull Pen

By: *Trish Trickit* Administrator  
(print name) (Title)

Signature: *Trish Trickit* Administrator  
(Signature) (Title)

The above signed officer of The Pit Bull Pen (name of entity) warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit The Pit Bull Pen to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

**(ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.)**

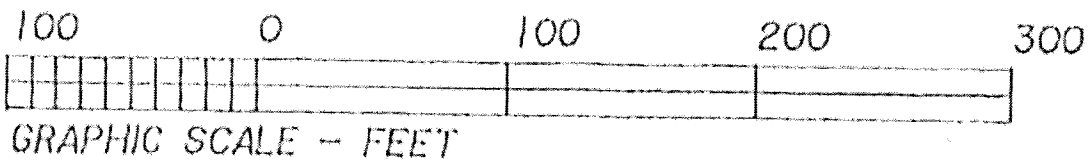
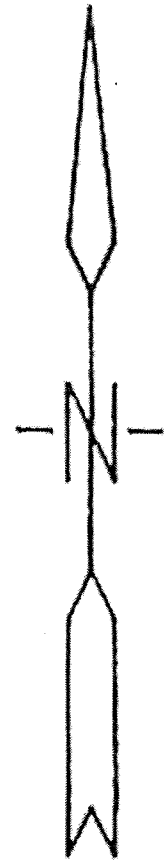
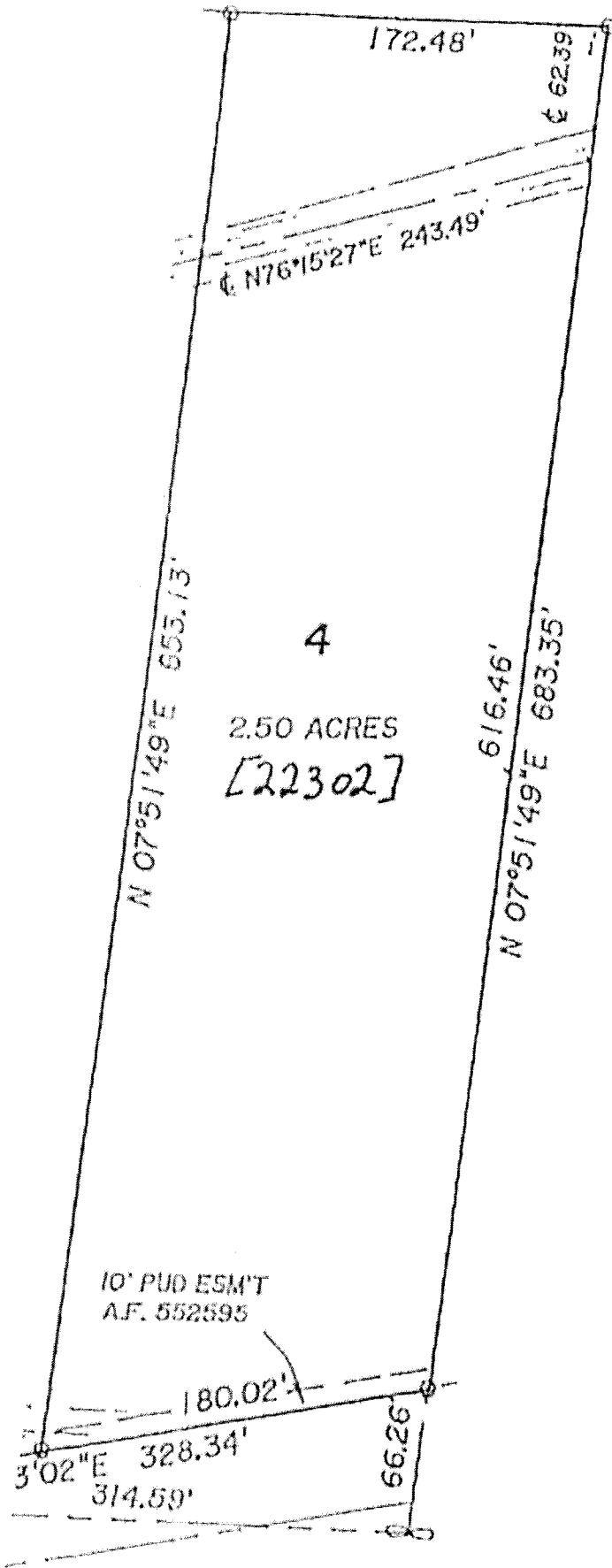
**Note:** The Conditional Use/Special Permit Application fee of \$630.00 and the \$300.00 applicant fee for the SEPA checklist, if required, must be submitted with the application. These fees are non-refundable. Please make your check payable to the Benton County Treasurer. There are no guarantees that your application will be approved.

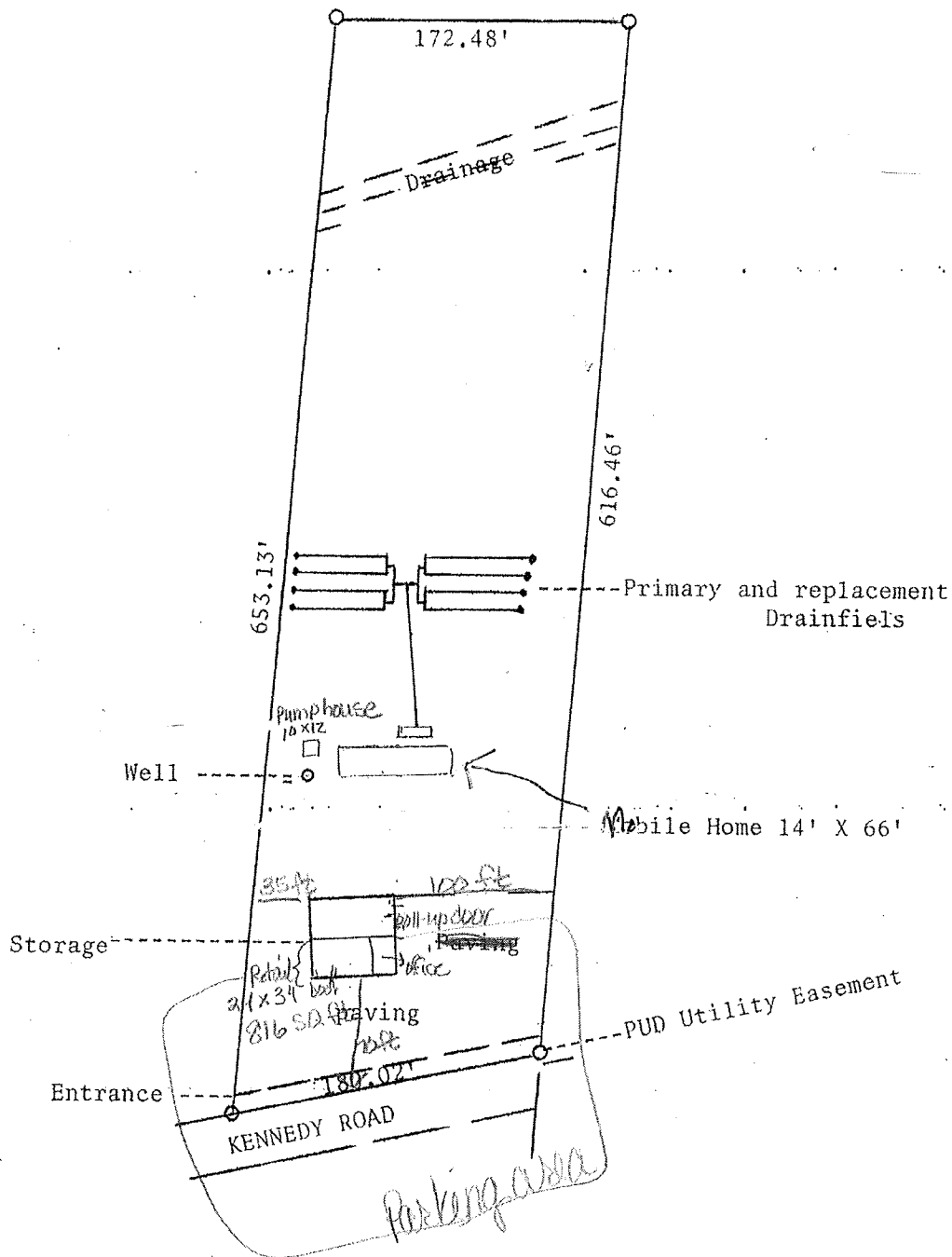
**FOR OFFICIAL USE ONLY:**

Critical Area Review Completed by: *Chad Rusey* on 7/6/2017

Application approved for processing by *Chad Rusey* on 7/6/2017.

Zoning R2-5 Comp Plan Designation \_\_\_\_\_

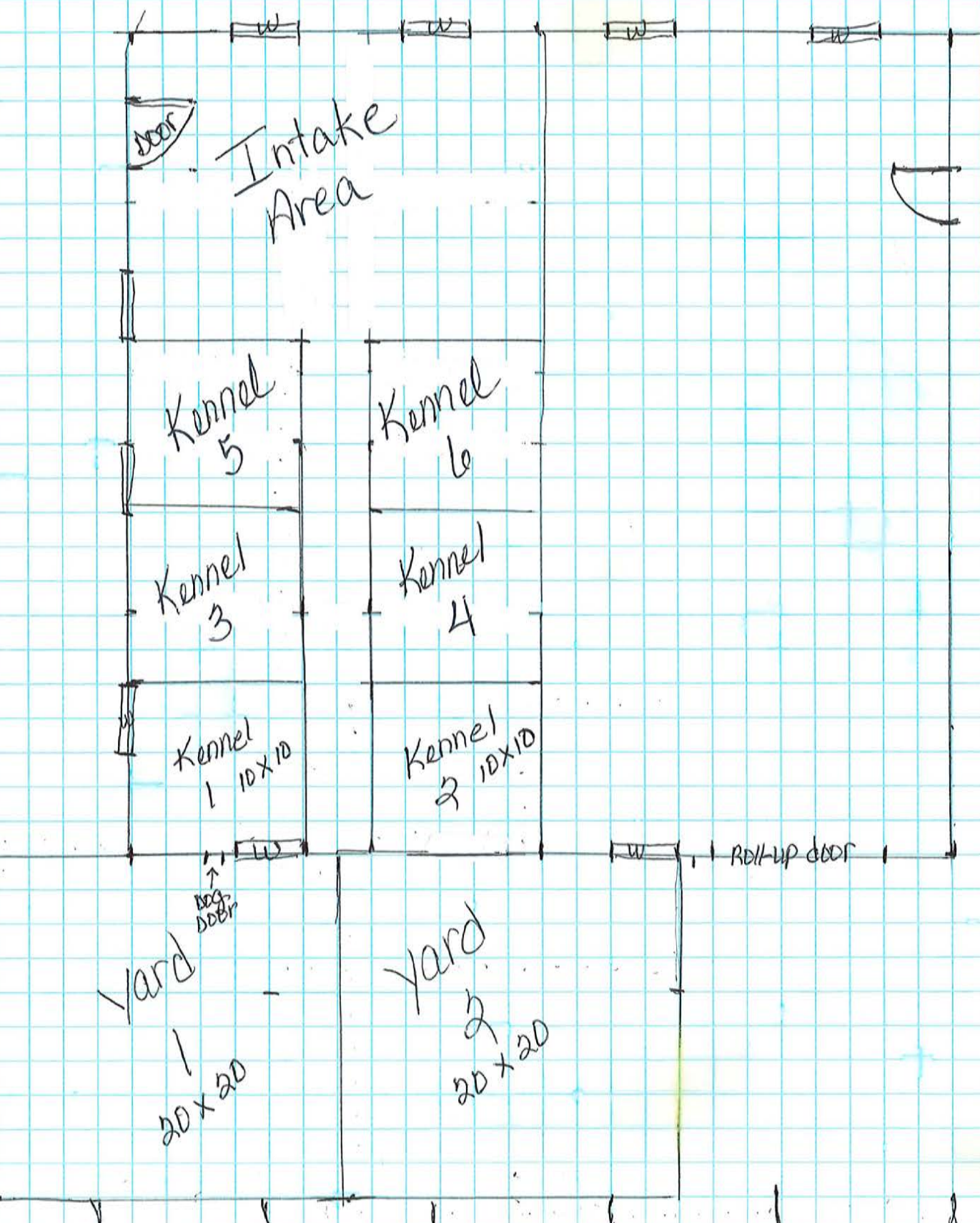




PROPOSED STRUCTURE: \_\_\_\_\_ INDICATE SCALE: 1" = 100'

PARCEL NO.: 1-1697-301-2653-004

OWNER: Nancy Strom Jesse Greenough



door

Intake Area

Kennel 5

Kennel 6

Kennel 3

Kennel 4

Kennel 1 10x10

Kennel 2 10x10

dog door

Yard 1 20x20

Yard 2 20x20

roll-up door