



HEM 1.1

STAFF REPORT TO THE BENTON COUNTY HEARINGS EXAMINER The Pit Bull Pen Dog Kennel

FILE NO: CUP 2020-013

MEMO DATE: June 10, 2025

HEARING DATE: June 20, 2025

APPLICANT: The Pit Bull Pen via Trish TrickiT
22206 E Kennedy Road, Benton City, WA 99320

LAND OWNER: Jesse Greenough, 4209 S. Cascade Street, Kennewick, WA 99337

LOCATION: General Location: The property is located on the north side of Kennedy Road, which is directly north of Interstate I-82.
Address: 22206 E Kennedy Road, Benton City, WA 99320
Legal: Section 16, Township 9 North, Range 27 E, Quarter SE; Short Plat #2653, Lot 3.
Parcel Number: 1-1697-301-2653-003.

PROPERTY SIZE: Approximately 2.50 acres

AREA TO BE USED: 1800 sq. ft. interior space, in addition to outdoor areas.

LAND USE: Residential

ZONING: Rural Land 5 Acre

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

SPECIFIC REQUEST:

The current applicant, Trish TrickiT, is no longer residing or operating a commercial dog kennel business at 22206 E Kennedy Road in Benton City. Therefore, requesting to null and void Conditional Use Permit CUP 2020-013 for a commercial dog kennel business that has been operating on the subject property.

BACKGROUND:

On May 28, 2025 the Planning Division became aware that the property owner, Jesse Greenough, passed away on May 1, 2025. We reached out to the permit holder, Trish TrickiT on May 29, 2025 to verify and confirmed that she was no longer residing or operating the dog kennel facility at 22206 E Kennedy Road in Benton City. As of June 4, 2025 the property has been listed for sale, and the Planning Department is requesting a null and void of Conditional Use Permit 2020-013.

Conditional Use Permit 2020-013 was issued to a 501(c)(3) known as The Pit Bull Pen on May 26, 2022, to allow the conversion of an existing accessory structure to a commercial kennel of not more than 20 dogs in order to operate a dog rescue kennel and adoption center onsite.

At the time of the CUP application process, the prior property owner, Nancy Strom, had given her consent for the operation of the rescue on the subject parcel. After the passing of Ms. Strom, property ownership

rights transferred to Jesse Greenough on October 4, 2023.

On September 20, 2024, Mr. Greenough served The Pit Bull Pen notice to terminate their tenancy after which time the rescue decided to transition from a rescue center-based operation to a home foster-based operation. As of November 14, 2024, The Pit Bull Pen has removed all dogs from the property and no longer has any onsite operations occurring. Additionally on November 22, 2024, the prior Executive Director and primary contact for the initial CUP application, Trish TrickyT, stepped down from her role with The Pit Bull Pen and no longer is involved with the rescue organization. The Pit Bull Pen Board of Directors fully support the applicant's request to null and void CUP 2020-013.

FINDINGS OF FACT:

1. On May 26, 2022, Conditional Use Permit 2020-013 for a commercial kennel of not more than 20 dogs was issued to The Pit Bull Pen, a 501(c)(3), allowing the operation of a dog rescue and adoption center at 22206 E Kennedy Road, Benton City, WA 99320.
2. At the time of CUP 2020-013 issuance, the applicant was Trish TrickyT dba The Pit Bull Pen and the subject property owner was Nancy Strom.
3. The property owner, Nancy Strom, passed away on January 24, 2023, and the subject property transferred ownership to Jesse Greenough on October 4, 2023.
4. The property owner, Jesse Greenough Jr., passed away on May 1, 2025.
5. On May 29, 2025 the Applicant, Trish TrickyT, confirmed she was no longer residing or operating the kennel on the property (HEM 1.2).
6. Mr. Greenough served The Pit Bull Pen notice to terminate tenancy on September 30, 2024 (HEM 1.3).
7. The Pit Bull Pen ceased all onsite activities and vacated 22206 E Kennedy Road, Benton City, WA 99320 on November 14, 2024 (HEM 1.3).
8. The Benton County Planning Division received a written request (HEM 1.4) from the property owner, Jesse Greenough, on November 19, 2024, requesting to null and void CUP 2020-013.
9. On November 22, 2024, Trish TrickyT resigned from her role as the Executive Director of The Pit Bull Pen and is no longer involved with the dog rescue operation (HEM 1.5).
10. The Benton County Planning Division received an email (HEM 1.6) on December 5, 2024, from the Treasurer of The Pit Bull Pen inquiring on the steps to revoke CUP 2020-013.
11. On December 23, 2024, the Planning Division sent an email (HEM 1.7) to both Ms. TrickyT and The Pit Bull Pen notifying them of the null and void request for CUP 2020-013 and the date and time of the public hearing for this matter.
12. On December 27, 2024, a Notice of Open Record Hearing was mailed to:
 - a. Pit Bull Pen C/O Trish TrickyT at 22114 E Kennedy Road, Benton City WA 99320
 - b. Pit Bull Pen C/O Trish TrickyT at PO Box 112, Benton City, WA 99320
 - c. Jesse Greenough Jr at 22206 E Kennedy Road, Benton City WA 99320
 - d. Jesse Greenough Jr at 4209 S Cascade, Kennewick, WA 99337
13. On January 5, 2025, the Planning Division received an email (HEM 1.3) from the Treasurer of The Pit Bull Pen providing a timeline of the rescue's departure from 22206 E Kennedy Road, Benton City WA 99320 and confirming The Pit Bull Pen's current Board of Director's support for null and voiding CUP 2020-013.
14. As of the date of this memo, the Planning Division has not received any response or

communication from the original permit applicant, Trish Trickett, pertaining to the null and void request for CUP 2020-013 conditional use permit.

RECOMMENDATION:

The Planning Division recommends approval of the null and void request for CUP 2020-013 with the condition that the two signs associated with the business (an address sign along Kennedy Road and a business sign attached to the building) are removed within 14 days of this approval.

Nikki Relyea

From: Trish Trickett <thepitbullpen@gmail.com>
Sent: Thursday, May 29, 2025 10:02 PM
To: Planning Department
Subject: Re: [EXTERNAL] Re: Null & Void Request Received for CUP 2020-013 - The Pit Bull Pen

HEM 1.2

Yes please and my last name is Trickett, not "et" for future reference :)

On Wed, May 28, 2025 at 1:28 PM Planning Department <Planning.Department@co.benton.wa.us> wrote:

Dear Ms. Trickett,

It has come to our office's attention that you are no longer residing or operating your facility at 22206 E Kennedy Rd in Benton City.

Can you please confirm that this information is correct and let our office know if closing permit CUP 2020-013 which was issued for your operation at the above location would be acceptable to you if you are no longer located at the property.

Thank you,



Michelle Mercer • *Planning Manager*

Benton County Community Development Department - Planning Division

Benton County Courthouse, 620 Market Street, Prosser, WA 99350

Benton County Public Services Office, 102206 E Wiser Parkway, Kennewick, WA 99338

Michelle.Mercer@co.benton.wa.us

(509) 786-5612

From: Hayley Collen <hmcollen13@gmail.com>
Sent: Sunday, January 5, 2025 8:40 PM
To: Planning Department
Cc: amberhall07@yahoo.com; donnaTPBP@yahoo.com; terri.mooney@yahoo.com; Carli Luppold
Subject: [EXTERNAL] Re: Pit Bull Pen Status

Hi Michelle,

Here is the complete timeline of the rescue's departure from the property on Kennedy Rd:

8/18/24 - The Board of Directors was first notified of Trish's impending ejection which had been ongoing since June.

9/16/24 - The Board held a meeting with the rescue's volunteers to let them know about the ejection and to answer any of their questions. Trish's personal attorney, Ben Ramm, attended the meeting and discussed their plan's for fighting the ejection.

9/30/24 - The rescue received a notice to terminate tenancy from Jesse Greenough's lawyer informing us we needed to be off the property by October 31st. At this point the board decided to transition to foster-based only to protect our dogs. Our lawyers negotiated our move out date and we were able to get it extended to November 14th.

As of November 14th, The Pit Bull Pen has had NO onsite operations. All dogs were moved to fosters or boarding prior to this date. Trish stepped down as Executive Director of the rescue on November 20th via Facebook post and no longer has any involvement with the rescue.

Trish has continued to house/foster/rescue dogs on the property. We have been working to distance ourselves from her, and the board of Directors stands behind voiding the CUP.

Please let me know if you have any questions.

Thanks,

Hayley Collen
Treasurer, The Pit Bull Pen

On Fri, Jan 3, 2025, 4:44 PM Carli Luppold <cmluppold@hotmail.com> wrote:

I am including the Board of Directors on this response and will allow them to respond as appropriate.

Carli Luppold

Sent via the Samsung Galaxy S24 Ultra, an AT&T 5G smartphone
Get [Outlook for Android](#)

I Jesse Greenough JB. wish to Null + Void
CMP 2020-013.

I, the legal landowner, do not wish to continue
operating "the Pit Bull Pen".

The previous operators have vacated the property.

HEM 1.

Jesse Greenough, Jr.

Beacon County
Planning Division

NOV 19 2024

RECEIVED

HEM 1.5



509-579-1665
pitbullpenrescue@gmail.com
PO Box 112
Benton City, WA 99320

FOR IMMEDIATE RELEASE

Contact:
Amber Hall
President, Adoption and Foster Coordinator
The Pit Bull Pen
509-579-1665
pitbullpenrescue@gmail.com

The Pit Bull Pen Transitions to Foster-Based Care to Continue Its Mission of Saving Dogs, Trish Trickit Steps Down as Executive Director


[Benton City, WA] — November 22, 2024

The Pit Bull Pen, a dedicated dog rescue organization, is announcing a transition to foster-based care effective November 14, 2024. This change comes as our facility is no longer available due to circumstances beyond our control, prompting us to adapt our operations to ensure the continued safety and well-being of the dogs in our care. By moving to a foster-based model, we aim to provide the necessary support and love to our dogs who are at risk and in need of safe, nurturing environments. We understand the importance of our mission and the impact we have on these dogs' lives, and we believe this approach allows us to maintain our commitment to rescue and rehabilitation. While this transition presents challenges, we remain as steadfast in our mission as ever.

Additionally, Trish Trickit has made the decision to step down as Executive Director of The Pit Bull Pen. Trish has spent the last 12 years building this organization from the ground up, dedicating countless hours to rescuing, rehabilitating, and rehoming hundreds of dogs in need. Her passion, vision, and relentless advocacy for the dogs in our community has shaped The Pit Bull Pen into what it is today. Trish's efforts have left an indelible mark on the rescue community. We extend our deepest gratitude for her leadership, compassion, and the legacy she leaves behind. While she will no longer serve as Executive Director, Trish's unwavering commitment to the dogs remains an inspiration to all of us.

Amber Hall will be fully available to address any needs related to the dogs in our care. This includes medical assistance, behavioral support, and guidance to ensure a successful fostering experience. We appreciate the continued support of our community and are hopeful for a bright future for all the dogs in our care.

For immediate assistance regarding the dogs, please contact Amber via phone or text at 509-579-1665.

 Delete  Archive  Reply  Reply all  Forward  Zoom  Read / Unread  Categorize  Flag / Unflag




[EXTERNAL] CUP for 22206 Kennedy Rd

HEM 1.

HC

Hayley Collen <hmcollen13@gmail.com>

To: Planning Department

  Reply  Reply all  Forward  ...

Thu 12/5/2024 10:45 AM

 **Flag for follow up. Completed on 12/6/2024.**

 You replied on Fri 12/6/2024 8:10 AM

Good Morning,

I'm the treasurer for The Pit Bull Pen, a local dog rescue. We have recently had to vacate our property due to a family dispute on the land between our (now former) Executive Director and her stepfather. We have now switched to completely foster-based and have no physical location. We were operating under a conditional use permit that I believe was signed by our Executive Director's mother who is now deceased. Our lawyer has recommended we have the CUP revoked. Is this something I can do? I'm not sure if I'm the right person for this to come from.

Thanks,

Hayley Collen
Treasurer
The Pit Bull Pen

 Reply

 Forward

Nikki Relyea

From: Planning Department
Sent: Monday, December 23, 2024 3:49 PM
To: thepitbullpen@gmail.com
Cc: pitbullpenrescue@gmail.com; Planning Department; Code Enforcement
Subject: Null & Void Request Received for CUP 2020-013 - The Pit Bull Pen

HEM 1.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Tricket,

Our office has received a written request from the current property owner, Jesse Greenough, of 22206 E Kennedy Rd, Benton City, asking the Benton County Hearings Examiner to null and void the Conditional Use Permit (CUP 2020-013) for the Pit Bull Pen commercial kennel currently operating at that location.

This matter will be heard at the next Hearing Examiner meeting which is scheduled for January 17th at 10:00 a.m. at the Courthouse in Prosser. More information from our office will follow soon once the Notice of Hearing is sent out to affected/interested parties.

Please keep in mind that should a null and void be issued for this permit, all business related activities must immediately cease including the removal of any signage for the business and any dogs from the property as only four dogs are allowed to be kept on a parcel without additional permits being required.

Should you have any questions prior to the hearing please don't hesitate to contact our office at 509-786-5612.

Regards,



Michelle Mercer • *Planning Manager*
Benton County Community Development Department - Planning Division
Benton County Courthouse, 620 Market Street, Prosser, WA 99350
Benton County Public Services Office, 102206 E Wisner Parkway, Kennewick, WA 99338
Michelle.Mercer@co.benton.wa.us
(509) 786-5612

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HEM 1.1

STAFF REPORT TO THE BENTON COUNTY HEARINGS EXAMINER The Pit Bull Pen Dog Kennel

FILE NO: CUP 2020-013

MEMO DATE: January 7, 2025

HEARING DATE: January 17, 2025

APPLICANT: The Pit Bull Pen via Trish Tricket
22206 E Kennedy Road, Benton City, WA 99320

LAND OWNER: Jesse Greenough, 4209 S. Cascade Street, Kennewick, WA 99337

LOCATION: General Location: The property is located on the north side of Kennedy Road, which is directly north of Interstate I-82.
Address: 22206 E Kennedy Road, Benton City, WA 99320
Legal: Section 16, Township 9 North, Range 27 E, Quarter SE; Short Plat #2653, Lot 3.
Parcel Number: 1-1697-301-2653-003.

PROPERTY SIZE: Approximately 2.50 acres

AREA TO BE USED: 1800 sq. ft. interior space, in addition to outdoor areas.

LAND USE: Residential

ZONING: Rural Land 5 Acre

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

SPECIFIC REQUEST:

The current property owner, Jesse Greenough, is requesting to null and void Conditional Use Permit CUP 2020-013 for a commercial dog kennel business that has been operating on the subject property.

BACKGROUND:

Conditional Use Permit 2020-013 was issued to a 501(c)(3) known as The Pit Bull Pen on May 26, 2022, to allow the conversion of an existing accessory structure to a commercial kennel of not more than 20 dogs in order to operate a dog rescue kennel and adoption center onsite.

At the time of the CUP application process, the prior property owner, Nancy Strom, had given her consent for the operation of the rescue on the subject parcel. After the passing of Ms. Strom, property ownership rights transferred to Jesse Greenough on October 4, 2023.

On September 20, 2024, Mr. Greenough served The Pit Bull Pen notice to terminate their tenancy after which time the rescue decided to transition from a rescue center-based operation to a home foster-based operation. As of November 14, 2024, The Pit Bull Pen has removed all dogs from the property and no longer has any onsite operations occurring. Additionally on November 22, 2024, the prior Executive Director and primary contact for the initial CUP application, Trish Tricket, stepped down from her role with

The Pit Bull Pen and no longer is involved with the rescue organization. The Pit Bull Pen Board of Directors fully support the applicant's request to null and void CUP 2020-013.

FINDINGS OF FACT:

1. On May 26, 2022, Conditional Use Permit 2020-013 for a commercial kennel of not more than 20 dogs was issued to The Pit Bull Pen, a 501(c)(3), allowing the operation of a dog rescue and adoption center at 22206 E Kennedy Road, Benton City, WA 99320.
2. At the time of CUP 2020-013 issuance, the applicant was Trish Tricket dba The Pit Bull Pen and the subject property owner was Nancy Strom.
3. The property owner, Nancy Strom, passed away on January 24, 2023, and the subject property transferred ownership to Jesse Greenough on October 4, 2023.
4. On August 18, 2024, The Pit Bull Pen Board of Directors were notified of pending eviction proceedings for Trish Tricket and The Pit Bull Pen operation (HEM 1.6).
5. Mr. Greenough served The Pit Bull Pen notice to terminate tenancy on September 30, 2024 (HEM 1.6).
6. The Pit Bull Pen ceased all onsite activities and vacated 22206 E Kennedy Road, Benton City, WA 99320 on November 14, 2024 (HEM 1.6).
7. The Benton County Planning Division received a written request (HEM 1.2) from the property owner, Jesse Greenough, on November 19, 2024, requesting to null and void CUP 2020-013.
8. On November 22, 2024, Trish Tricket resigned from her role as the Executive Director of The Pit Bull Pen and is no longer involved with the dog rescue operation (HEM 1.3).
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13. As of the date of this memo, the Planning Division has not received any response or communication from the original permit applicant, Trish Tricket, pertaining to the null and void request for CUP 2020-013 conditional use permit.

RECOMMENDATION:

The Planning Division recommends approval of the null and void request for CUP 2020-013.

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HEM 1.

Bedford County
Planning Division

NOV 19 2024

RECEIVED



☎ 509-579-1665

✉ pitbullpenrescue@gmail.com

📍 PO Box 112
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[EXTERNAL] CUP for 22206 Kennedy Rd

HC


Hayley Collen <hmcollen13@gmail.com>

To: Planning Department

  Reply  Reply all  Forward  ...

Thu 12/5/2024 10:45 AM

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Nikki Relyea

From: Hayley Collen <hmcollen13@gmail.com>
Sent: Sunday, January 5, 2025 8:40 PM
To: Planning Department
Cc: amberhall07@yahoo.com; donnaTPBP@yahoo.com; terri.mooney@yahoo.com; Carli Luppold
Subject: [EXTERNAL] Re: Pit Bull Pen Status

Hi Michelle,

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Hayley Collen
Treasurer, The Pit Bull Pen

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I am including the Board of Directors on this response and will allow them to respond as appropriate.

Carli Luppold

Sent via the Samsung Galaxy S24 Ultra, an AT&T 5G smartphone
Get [Outlook for Android](#)



HEM 1.

NOTICE OF OPEN RECORD HEARINGS

NOTICE IS HEREBY GIVEN that the following applications have been proposed to the Benton County Hearings Examiner for Benton County, Washington.

NOTICE IS FURTHER GIVEN that the Benton County Hearings Examiner will hold an open record public hearing for each of the below stated applications on **January 17, 2025** at 10 a.m. in the Planning Hearing Room, First Floor Courthouse, 620 Market Street, Prosser, WA 99350. The hearings will be held in-person and virtually/telephonically via Webex. To find information on attendance and testimony options, directions to the meeting room and to review documentation for the application, please visit <https://tinyurl.com/BCpublicnotice>.

CONDITIONAL USE PERMIT – CUP 2020-013 The legal landowner, Jesse Greenhough Jr., is requesting to null and void the existing permit for a dog kennel. The previous operators have vacated the property, and Mr. Greenhough does not wish to continue the operation on the property.

CONDITIONAL USE PERMIT – CUP 2023-009 The applicant, Tina Miller, is requesting a one-year extension to meet the conditions of approval. The extension will allow time to obtain the necessary approvals with the Department of Health and Ecology to operate an event center at Wheat Head Brewery. The project is located at 92308 E Locust Grove Road, Kennewick, WA 99338. Parcel number 1-2788-300-0002-004.

CONDITIONAL USE PERMIT – CUP 2023-010 The applicant, Tina Miller, is requesting a one-year extension to meet the conditions of approval. The extension will allow time to obtain the necessary approvals with the Department of Health and Ecology to operate a farmers market at Wheat Head Brewery. The project is located at 92308 E Locust Grove Road, Kennewick, WA 99338. Parcel number 1-2788-300-0002-004.

CONDITIONAL USE PERMIT – CUP 2024-021 The applicant, Trevor Tapani, is proposing to construct a 798 sq. ft. detached accessory dwelling unit while finishing construction on their 3,840 sq. ft. single family residence. The project is located at 33501 S Clodfelter Road, Kennewick, WA 99338 in the Rural Lands 5 Acre District. Parcel number 1-2388-400-0004-000.

CONDITIONAL USE PERMIT – CUP 2024-022 The applicant, Richard Davey, is proposing to construct a 347 sq. ft. detached accessory dwelling unit on a parcel with an existing 960 sq. ft. single family residence. The project is located at 4674 E Arena Road, Richland, WA 99352 in the Urban Growth Area Residential District. Parcel number 1-2098-101-1616-002.

VARIANCE PERMIT – VAR 2024-004 The applicants, Brad and Tera Seabaugh, are requesting a variance to install flood venting rather than elevating a proposed 2,080 sq. ft. addition to a detached shop in the Rural Lands 5 Acre District. The project is located at 67818 E Ranch Road, West Richland, WA 99353. Parcel number 1-3108-101-1541-002.

VARIANCE PERMIT – VAR 2024-005 The applicant, Knutzen Engineering on behalf of AirGas USA, LLC, is proposing to construct four railcar offloading structures within the Heavy Industrial District and is requesting a variance to reduce the required 30-foot. The project is located at

231808 E SR 397, Kennewick, WA 99337. Parcel number 1-2680-100-0029-000.

Anyone may participate in the hearings and present testimony or comments on an application. Persons may appear in person or virtually/telephonically during the hearing or provide written testimony to the Hearings Examiner on or before **January 14, 2025**. Written comments can be emailed to planning.department@co.benton.wa.us, mailed to or dropped off at the Planning Division office at the Public Services Building, 102206 E Wiser Parkway, Kennewick, WA 99338.

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

If you wish to provide testimony during the hearing (in person or virtually), we ask that you inform the Planning Division before the meeting. You can do that by filling out a Request to Testify form at <https://tinyurl.com/testifyform> or by contacting our office to be added to the list. **You must submit a request for each hearing in which you wish to participate.** We ask that participants who will be attending virtually please limit background noise and/or mute their line to prevent interruptions of the meeting.

If you have questions regarding any of the actions before the Hearings Examiner or the hearing process, please contact the Planning Division at (509) 786-5612, 102206 E. Wiser Parkway, Kennewick, WA 99338, or planning.department@co.benton.wa.us.

Dated this 26th day of December, 2024.

PUBLICATION DATE: January 1, 2025

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department

BENTON COUNTY HEARINGS EXAMINER

Request for Null and Void Decision,

Jesse Greenough, CUP 2020-013,
Pit Bull Pen Commercial Kennel.

ORDER ON REQUEST FOR NULL AND VOID DECISION

1. Background

1.1 Request. Jesse Greenough, Jr. requested that CUP 2020-013, which authorizes a commercial dog kennel, be voided. He is not the original property owner or applicant. A title dispute is pending in superior court.

1.2 Property Owner/Title Dispute. Mr. Greenough, 4209 S. Cascade Street, Kennewick, WA 99337; 22206 E Kennedy Road, Benton City WA 99320, asserts he is the new property owner. However, there is pending litigation over title with his step-daughter, Trish Tricket. Mr. Greenough requested that the CUP be voided. Ms. Tricket, who originally developed the use, asserts she is the property owner, and requested that no decision on CUP validity be made until the litigation concludes. As the superior courts have sole jurisdiction over title disputes, the Examiner cannot determine the proper owner.¹

1.3 Permit Applicant. The original applicant was the Pit Bull Pen, a 501(c) nonprofit corporation. This applicant was represented by Trish Tricket, 22114 E Kennedy Road, Benton City WA 99320; PO Box 112, Benton City, WA 99320, who was instrumental in development of the use. Ms. Tricket has since stepped down and is no longer the Pit Bull Pen's representative, but remains involved with the use at the site. Current Pit Bull Pen representatives are Amber Hall, President, and Hayley Collen, Treasurer. According to its representatives, due to the dispute, the nonprofit has switched to a foster-based operation so does not have a physical location.²

1.4 Additional Background on Title. The Benton County Hearings Examiner approved CUP 2020-013 on October 19, 2020.³ When applied for, the prior property owner, Nancy Strom (Ms. Tricket's mother), had consented to kennel operation. She has since passed, and property ownership rights are in dispute.

1.5 Use Location. 22206 E Kennedy Road, Benton City, WA 99320, Parcel #1-1697-301-2653-003. Pit Bull Pen representatives have asserted they no longer operate the use at this address. Ms. Tricket has continued her work at this location.

¹ Wash. Const. Art. IV § 6.

² HEM 1.5; HEM 1.4.

³ An extension request was granted on September 22, 2021.

1.6 Administrative Record.

HEM#	Document Description	Date
1.1	Staff Memo	1/7/25
1.2	Addendum to Staff Memo	1/13/25
1.3	Null and Void Request	1/19/24
1.4	Pit Bull Pen, Comment	11/22/24
1.5	Pit Bull Pen, Comment	12/5/24
1.6	Null and Void E-Mail	12/23/24
1.7	Timeline E-Mail, Comment	1/5/25
1.8	Notice of Open Record Hearings	1/1/25
1.9	Cover Letter, attaching court filings	1/17/25
1.10	Comment, David Tomaszewski	1/16/25
1.11	CUP 2020-013 and CUP 2020-013 Extension	10/19/20 & 9/22/21

1.7 Hearing. The Hearings Examiner considered the null and void request at a hearing held January 17, 2025, conducted both remotely and in-person. The Department summarized Mr. Greenough's request to void the permit. Mr. Greenough appeared in person, taking the stand to speak in favor of voiding the permit. Trish Trickett appeared remotely to speak in favor of maintaining the CUP and requested that the determination be set aside until the litigation is completed. Dlovan Schatlo, Ms. Trickett's legal counsel, also appeared remotely to reiterate the request to stay the determination until the title litigation concludes.

1.8 Written Comment. Written comment was provided emphasizing the community support provided to build the use.

Under no circumstances should the CUP be voided for the pitbull pen. As a community we have completely rebuilt that entire property through our financial donations and manual labor. I myself have donated 1000's of dollars over the years and countless hours with fostering and labor around the property. ... When I first got involved with the pitbull pen the property was trashed, the shop was in horrid condition. As a community we came together for the animals and Trish to get that property to where it is now. If the CUP is voided it would be an absolute slap in the face to those of us in the community who helped build it to what it became.⁴

1.9 Additional Background. The above comment reflects the use's history. The use was first permitted in 2017, but that permit was revoked in February of 2020, due to permit conditions not being met. Later that year, the operation saw a complete turn around and development of community support for the use (as documented through extensive public comment), and a new permit issued eight months later, in October. CUP 2020-013 described this history:

⁴ HEM 1.10.

Following the filing of two complaints, the opening of a code enforcement case, and documentation of numerous CUP condition violations, the Examiner voided the CUP on February 13, 2020. However, since then there has been a dramatic turn-around on this site. This is documented through a Code Enforcement site visit, Applicant testimony, and public comment.⁵

Based on this turn around, CUP 2020-013 issued. What is at issue now is a title dispute, not a code enforcement matter.

2. Analysis

2.1 Null and void requests are based on code compliance issues. The Benton County Code and CUP 2020-013 require an 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. Before this occurs, the applicant must be notified in writing at the applicant's last known address at least twelve days in advance.⁶ Once issued, if "violations exist, the Hearings Examiner may revoke the permit after an open record hearing with notice as set forth in BCC 11.50.050(b)."⁷ That notice occurred, with multiple outreach efforts to the parties identified above.⁸ However, substantive code violations were not identified. What is at issue is not compliance, but title, an issue the Examiner cannot resolve.

2.2 Under the CUP terms, without revision, the CUP is not transferrable to "a new property owner."⁹ But, an amendment would allow for transfer, and in practice, CUP transfers are routine. Depending on how the title issue is resolved, the CUP issue will either be mooted, or the CUP would be amended. The only reason a party would seek to void the CUP now would be to avail themselves of County processes to terminate a use rather than utilizing the courts, which have exclusive authority over title. The Examiner initially assumed the proper remedy was voiding the permit, but after reviewing the record and understanding that title was disputed in court, realized such a decision could interfere with that litigation so would not be proper until that litigation was completed. This forum is not appropriately used as a de facto method for resolving title questions. Where a critical question must be determined by the courts before a local land use matter can be resolved, the courts have urged restraint. In addressing a platting issue involving adverse possession claims, the appellate courts determined a premature decision was improper.

Because the merit of an adverse possession claim cannot be determined by the city prior to adjudication, caution in approving plats in such cases is warranted. The platting statute requires the consent of owners in order to prevent future title disputes. Once the City was put on notice of Halverson's claim, approval of the plat as submitted was improper.¹⁰

⁵ CUP 2020-013, Finding 1.5, internal cite omitted.

⁶ BCC 11.50.050(d); CUP 2020-013.

⁷ BCC 11.50.050(e); CUP 2020-013, Condition 10.

⁸ HEM 1.1, 1.2.

⁹ CUP 2020-013, Condition 15.

¹⁰ *Halverson v. City of Bellevue*, 41 Wn. App. 457, 460-461 (1985).

2.3 In this case, a use has been in operation since 2020. Ms. Tricket was largely responsible for its development and operation. If she does not hold title to the property, then the use will have to be discontinued. If she does hold title, then the use would continue, and CUP 2020-013 would be amended to reflect the correct property owner and applicant.¹¹ However, as a title dispute is pending in superior court, a decision on permit status should wait for a final court decision.

ORDER

The null and void request for CUP 2020-013 is stayed to allow the courts to resolve the title question. If resolved in Mr. Greenough's favor, the CUP use question would be mooted. If resolved in Ms. Tricket's favor, she would request CUP amendment to reflect the correct property owner and applicant. This order is designed to avoid interference with court jurisdiction over title issues.

DECISION entered January 31, 2025.



Benton County Hearings Examiner
Susan Elizabeth Drummond

¹¹ Should the parties determine the matter is appropriate for mediation, they may have more flexibility in determining an outcome that best suits all parties' interests.