

To: King County Hearing Examiner Alison Moss
From: Friends of Sammamish Valley and Hollywood Hill Association
RE: Intervenors Prehearing Statement and Exhibits for Code Enforcement Appeal of ENFR 210765 by Tenhulzen et al. vs. King County
Date: December 1, 2022

Friends of Sammamish Valley (FoSV) and Hollywood Hill Association (HHA) are submitting this Prehearing Statement to provide background and context for the Hearing Examiner Pro Tem. We have been granted Intervenor party status in this case by Hearing Examiner Spohr.

Friends of Sammamish Valley (FoSV) was formed by a group of Sammamish Valley farmers, local residents and business owners for the purposes of protecting the Sammamish Valley Agricultural Production District (APD) and the Sammamish River watershed, preserving the surrounding Rural Area (RA), and protecting the environment in accordance with the goals and requirements of the Growth Management Act and related laws and regulations. Among other things, FoSV, the HHA, Futurewise and others are parties to pending litigation involving a challenge to King County zoning amendments in Adult Beverage Ordinance 19030 that would permit the retail sale of alcoholic beverages in the RA and on agricultural lands. The Growth Management Hearings Board invalidated the zoning changes. FoSV efforts to uphold the requirements of the GMA, including the Urban Growth Boundary, has been endorsed by hundreds of individuals, farmers, businesses, environmental organizations, and homeowner associations.¹ www.GoFOSV.org

Hollywood Hill Association (HHA) was formed in 1976 for the purposes of preserving the rural character of Hollywood Hill, which abuts the Sammamish Valley, and the agricultural lands of the Sammamish Valley. HHA members live on Hollywood Hill, a residential area located in the RA that includes approximately 1,350 households. In addition to current GMA litigation with King County, HHA was also one of the petitioners to the GMHB successfully challenging King County zoning code and comprehensive plan amendments that would have allowed conversion of designated and protected Sammamish Valley agricultural land to development for active recreation in violation of the GMA. The Washington Supreme Court upheld the GMHB decision invalidating the amendments. *See, King County v Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543;14 P.3d 133 (2000). www.HollywoodHillAssociation.com.

This case concerns the Appellant's operation of a commercial contracting business from a residential site that does not meet the requirements for a home occupation and is not otherwise allowed in the property's Rural Area zoning.

Facts

A timeline of the facts known to the Intervenors and context regarding this case are as follows:

Early Summer 2019 - The former property owner, Sal Leone, started shutting down the illegally operating businesses that he owned or operated on the property. King County cited Mr. Leone

¹ See GoFoSV.org/endorsements.

for illegal operating several remote tasting rooms among other things. For example, Fish Brewing Company was illegally operating out of what was, prior to Mr. Leone's ownership, the residential home on the property. As CEO of Fish Brewing Company, Mr. Leone closed the business.

July 26, 2019 – An attorney for FoSV sent a letter to Mr. Leone's selling agents for the property notifying them that the use of the word "commercial" etc. in the sales description would create confusion for a Rural Area (RA) property. Note that the listing says the brewery building is "currently for lease," consistent with the fact that Fish Brewing Company was already closed.²

July 31, 2019 — King County issues a Release of Notice and Order on Mr. Leone's code violations.

September 2019 —The Appellant closed on purchase of the property.

November 6, 2019 — King County sent a letter to Appellant informing him of new Code Enforcement case ENFR19-0989, which transferred open code violations on the property to the Appellant, as the new property owner.³

November - December 2019 —Appellant lobbied King County Council to have the property included as part of Demonstration Project Overlay A (DPO A).⁴ DPO A was created by a provision in the now invalidated King County zoning changes in Ordinance 19030 that allowed certain RA-zoned parcels to operate a retail remote tasting room and sell alcohol on the property. Appellant's request was denied, and Ordinance 19030 passed on December 4, 2019 without the Appellant's property being included in DPO A.

January 2020 — Good Brewing Taproom opens as The Appellant's lessee in what was previously the residential home (and the Fish Brewing building).⁵

March 2020 — Covid starts.

November 18, 2021 — King County issues a Compliance Schedule on ENFFR21-0765, requiring the closure of the Appellant's contracting business and lessee's Good Brewing Taproom by December 31, 2021.⁶ The Appellant and lessee did not comply.

April 28, 2022 — King County issues a Notice and Order requiring the closure of the Appellant's contracting business and lessee's Good Brewing Taproom by May 31, 2022.

Mid November 2022 — Good Brewing Taproom closes and exits the property.

² See Exhibit 1.

³ See Exhibit 2.

⁴ See Exhibit 3.

⁵ See Exhibit 4.

⁶ See Exhibit 5.

Argument

The Intervenors support King County's decisions to issue the November 18, 2021 Compliance Schedule, to issue the April 28, 2022 Notice and Order, and to email the Hearing Examiner office on October 26, 2022 reconfirming their intent to move this case to a hearing. We commend King County's efforts to uphold the zoning laws that protect our County and citizens.

As King County's Ms. Breazeal correctly asserted in the prehearing conferences for this case, the County cannot permit the contracting business at this location, because the use is not allowed in the Rural Area zone unless it meets the requirements of a Home Occupation or Home Industry. This is a violation per 21A.50.030 and as noted in the November 18, 2022 Prehearing Order at (D) it is not under dispute.⁷

Intervenors understand that in certain cases, the County (Code Enforcement and/or the Hearing Examiner) allows property owners an opportunity to come into compliance with the law when code violations are verified. When applied judiciously, this **reasonable discretion** can be in everyone's best interest, particularly when (1) the transgression is small, (2) a citizen was perhaps naïve, and (3) the violation can be easily and quickly remedied. We've seen several applications of this reasonable discretion in cases where a homeowner, for example, cut down a few too many trees or remodeled their deck without a permit.

However, granting Appellant's request for additional time to come into compliance with the King County Code would be **unreasonable** for several reasons:

1. The Appellant is a savvy developer who understands zoning codes and permitting rules. The Appellant was well aware of what he was purchasing and the applicable zoning code use regulations.⁸
2. The transgression is not small. The Appellant brazenly moved his own commercial business to the property. This is a major land use violation, not minor issue with peripheral items.
3. The violation for the commercial offices cannot be easily remedied, nor is there any guarantee it will be:
 - a) The Appellant is currently building/remodeling a home. He indicated in preconference hearing that this could be an 18 month or longer process. This seems

⁷ Page 3. "For #4, the contracting business, it appears undisputed that the business may not operate other than as a home occupation, and that there is currently no occupied home on the property."

⁸ From saved voicemail to Ms. Glover on August 12, 2019 (prior to Appellant's purchase of property), Appellant says, "We've done all of our due diligence to determine usage and we're very familiar with all the issues that have been going on in the valley."

likely given the scale of the project — “construct a 3-story (5 bdr) addition to existing single-family residence.”⁹ There is no guarantee as to how long this phase could last.

- b) The Appellant and/or operator then needs to occupy the home. Again, there could be numerous reasons that crop up to delay any actual residency in order to enable a home occupation or home industry permit application.
- c) The Appellant has referred in his appeal statement to someday applying for a **Home Industry** use on the site.¹⁰ This may be necessary due to the scale of the business being potentially larger than what is allowed for Home Occupation (e.g., parking, hours, number of employees onsite, etc.)¹¹ But a suggestion of a future application is not a legitimate basis to allow the current unlawful use of the site to continue. Furthermore, this process could take significant time and there is no guarantee of success given that Home Industry requires a CUP, and any CUP would have to be consistent with the Comprehensive Plan rules for the Rural Area.

The KCC 21A.44.040 criteria for CUP approval include the requirement that:

H. The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

And the Comprehensive Plan includes an explicit policy, R-324, limiting on a mandatory basis (“shall”), nonresidential uses in the Rural Area:

Nonresidential uses in the Rural Area shall be limited to those that:

- 1. Provide convenient local products and services for nearby residents;*
- 2. Require location in a Rural Area;*
- 3. Support natural resource-based industries;*
- 4. Provide adaptive reuse of significant historic resources; or*
- 5. Provide recreational and tourism opportunities that are compatible with the surrounding Rural Area.*

In other words, it is improper under the Code to allow an illegal use to continue because the owner says he is going to apply for a Home Industry CUP. And it especially does not make sense when it is clear that the use cannot meet the CUP criteria even if/when an application is submitted.

Several other considerations warrant discussion in this case:

⁹ See Exhibit 6.

¹⁰ Issue D in the November 18 PHO, page 3. “Rereading the Tenhulzen appeal statement, there is reference to a home *industry*,....”

¹¹ See Exhibit 7.

1. Regarding Issue E in the Nov 18 PHO,¹² the Release executed between King County’s Ms. Lux and the former owner of the property, Sal Leone, has no bearing on the Notice and Order now in front of the Examiner. Mr. Leone was not cited for and then “released” about the violations that have been adopted against the Appellant. So that Mr. Leone could sell the property to Appellant, the County was persuaded to release the notice and liens it had filed concerning violations for which Leone was responsible. But there was no prospective release for Appellant’s conversion of the site usage to the headquarters for his contracting businesses. Bottom line: the Release for seller Leone was not a pass for renewed or new, different violations by the Appellant who purchased the property.
2. Dragging this case out will cost County taxpayers even more money. The Appellant has already been out of compliance on this property for approximately 3 years. One could argue that the County was perhaps slow to issue a citation to the Appellant specifically for violations related to Good Brewing and the commercial offices, but these violations started at roughly the same time Covid hit, which greatly and rightfully impacted King County’s priorities. Regardless, the Appellant did not comply with County actions regarding these violations which has cost taxpayers. Extending this case out most likely several more years puts yet more burden on County taxpayers and is not in the public interest. This action also burdens everyone involved who will have to monitor and track progress along the way, attend more hearings and likely file more paperwork.
3. The property in question is *adjacent* to the Urban Growth Boundary and *outside* the Urban Growth Area (UGA).¹³ Boundary properties like Appellant’s are critical to holding the line against urban sprawl. It is foreseeable that owners of boundary properties located outside the UGA will argue that they should be able to use their property in the same manner as the owners of properties *inside* the UGA which are subject to very different zoning. In fact, the Appellant argued before the KC Council that he should be able to commercialize his property *precisely because* it is next door to commercially zoned property located within the City of Woodinville inside the Urban Growth Area.¹⁴ Additionally, in May 2020 the Appellant had a boardwalk built from the edge of the City of Woodinville property next door to encourage foot traffic onto his property from tasting rooms inside the city.¹⁵ This type of drip drip sprawl is exactly why the Growth Management Act was adopted and why we have an Urban Growth Boundary.
4. The Appellant is requesting that the Hearing Examiner grant him the right to continue to operate an illegal commercial business for an indeterminate period of time — which could take several years — with no guarantee that he could even meet the numerous requirements to legalize the businesses under Home Occupation or Home Industry code requirements. This is a clearly unreasonable request and should be denied. The continuation of Appellant’s illegal use would set a negative precedent. It would reward speculative property purchases and unlawful uses of property based on the possibility that

¹² Page 3. “Was the #5 conversion accessory building into **commercial office space** resolved by the July 19, 2019 Release of Notice and Order?”

¹³ See Exhibit 8.

¹⁴ See http://king.granicus.com/MediaPlayer.php?view_id=4&clip_id=7823 at minute 11:27.

¹⁵ See Exhibit 9.

an application for such uses would be approved sometime in the future. The next developer or landowner can look at this case and surmise that if this Appellant can do it, then so can they, arguing that not allowing them to do so would be unfair. This flips the rule of law right on its head and undermines the basis for the Rural Area zoning and the County's GMA-required Code provisions and policies adopted to prevent sprawl such as KCCP RP-203 ("King County shall continue to support the reduction of sprawl by focusing growth and future development in the Urban Growth Area, consistent with adopted growth targets.")

5. It is no secret that King County has been lax on code enforcement, which has created code violation problems in the Sammamish Valley as well as elsewhere in the County. Litigation related to Adult Beverage Ordinance 19030 — which itself stemmed from lack of code enforcement — is also centered in the Sammamish Valley, even though the legislation has county-wide impacts. Because of this history, the location of this property adjacent to the Urban Growth Boundary, and the Appellant's attempt to attach his property to the 19030 legislation, the Appellant's code enforcement case is very high profile.
6. We commend the County's Code Enforcement team for taking recent enforcement action in other Sammamish Valley code enforcement cases and for continuing to pursue this specific case. County citizens are rightly enraged by lack of enforcement and the de facto special treatment for certain individuals or businesses. Citizens expect the County to uphold the rule of law.
7. The King County Code is clear in requiring without exception that uses conform to its requirements; there is no leave to apply now and perhaps conform later:

21A.02.040 Conformity with this title required.

A. No development, use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.

The Code defines violations as follows:

KCC 21A.50.030 Violations defined. *No building permit or land use approval in conflict with this title shall be issued. Structures or uses that do not conform to this title, except legal nonconformances specified in K.C.C. chapter 21A.32 and approved variances, are violations subject to the enforcement, penalty and abatement provisions of K.C.C. Title 23, including, but not limited to:*

A. Establishing a use not permitted in the zone in which it is located; ...

Subsection F of KCC 21A.50.030 makes clear that implementing a use "on spec," based on an application alone, is not allowed. It explicitly calls out as a violation:

E. Failing to secure required land use or permit approval before establishing a permitted use;

This is a critical point when considering what timeline should be allowed to Appellant.

KCC 23.02.010 .E.3 defines the meaning of "Found in violation" as:

The hearing examiner has determined that the violation has occurred, and the hearing examiner's determination has not been stayed or reversed on appeal.

Again, here, there is no question about the Appellant's violations on the site as confirmed in the November 18 PHO. There is therefore no question that the violations on the Appellant's site, per **KCC 23.02.030** are public nuisances subject to enforcement:

Declaration of public nuisance, misdemeanor.

A. All civil code violations are hereby determined to be detrimental to the public health, safety and environment and are hereby declared public nuisances. All conditions determined to be civil code violations shall be subject to and enforced pursuant to the provisions of this title except where specifically excluded by law or regulation.

Nothing in KCC Title 23 gives leeway to allow a public nuisance to continue, for example, based on a claim that a permit application will be pursued and someday might be granted. The Hearing Examiner's powers and duties on an appeal are defined in **KCC 23.36.030**, including in particular **KCC 23.36.030.B**, which states:

B. The examiner's determination may be to grant or deny the application or appeal, and may include any conditions, modifications and restrictions as the examiner finds necessary to carry out applicable laws, regulations and adopted policies.

Therefore, once the existence of a violation is confirmed, denying an appeal and upholding the Director's decision, then there is no leeway to allow the violation to continue. To do so would be inconsistent with and a direct failure to carry out "applicable laws, regulations, and policies." Some of those have been described and quoted above. Additional ones include **KCC 21A.32.040** (noncompliant uses "shall be deemed illegal and shall be discontinued or terminated"), and **KCCP Policy I-504** ("King County shall enforce its land use and environmental regulations by pursuing code enforcement complaints ...).

The main question from the November 18 PHO is: "What is the remedy and the sequence/timeline for compliance, given the pending residential permit?"

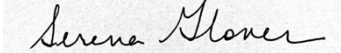
The Appellant has had the benefit of over a year since the November 18, 2021 date of the initial Compliance Schedule to make alternate arrangements. He should have done so by now since he

is not actually contesting the violations related to his commercial office use. Claiming that he will someday finish construction, move in, and apply for a Home Industry CUP is not a reason for not at long last stopping his acknowledged Code violations now.

For the reasons set out above, Intervenors hereby request that the Hearing Examiner deny the appeal and issue an order affirming the County’s code enforcement action. Allowing the continuation of Appellant’s illegal business activities would be unreasonable. It would be inconsistent with King County laws and policies that speak firmly for compliance, avoidance of sprawl, and protection of the Rural Area zone. Therefore, to put the Appellant back in the same position he was in before he appealed the NOV, which gave him thirty days for compliance, Intervenors respectfully request that the Examiner’s decision should only give the Appellant 30 days from issuance of an order in this matter to cease unlawful activities on the site.

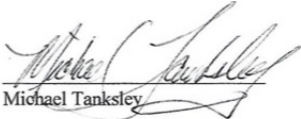
Respectfully submitted December 1, 2022,

Friends of Sammamish Valley



Serena Glover

Hollywood Hill Association



Michael Tanksley

Exhibit 1



Peter J. Eglick
eglick@ewlaw.net

July 26, 2019

*Via Email to jrp@betterproperties.com and msjannamae@gmail.com
and via regular U.S. Mail, and Certified, Return Receipt Requested U.S. Mail*

J.R.Poulsen
Janna Novak
Brokers
BetterHomes UP/Fircrest
7105 27th St. W.
University Place, WA 98466

RE: Your listing for 14701 148th Ave NE, Woodinville
(<https://www.redfin.com/WA/Woodinville/14701-148th-Ave-NE-98072/home/451651>)

Dear Brokers Poulsen and Novak:

This office represents Friends of Sammamish Valley (FoSV) which works to protect the Sammamish Valley Agricultural Production District (APD) and the Sammamish Valley watershed, maintain the character of the surrounding Rural Area, and preserve the rural lifestyle for local residents. If you are not familiar with FoSV, you can learn about it at this link <https://friendsofsammamishvalley.org/>.

In the course of its work, FoSV has seen that well-meaning persons may not be aware of the current zoning regulations, and County notices that apply to lands in the Sammamish Valley, particularly those lands in unincorporated King County. In light of this, FoSV has asked that I contact you regarding your listing for 14701 148th Ave NE, Woodinville. The listing, found, inter alia, at <https://www.redfin.com/WA/Woodinville/14701-148th-Ave-NE-98072/home/451651>, states:

1.48 acre commercial property zoned RA-5. Property has multiple uses, ideal for landscaping, nursery, agriculture, farm equipment sales, or continue as currently leased. Buildings include Silver Lake Winery 768 sf, office 648 sf, Brewery 1,600 sf currently for lease, and 2 detached display spaces 120 sf each. Impressive and serene outdoor courtyard enhanced with pond, waterfall, firepit, patio, mature landscaping, tons of parking. Buyer to verify all information to their satisfaction.

1000Second Avenue, Suite 3130 Seattle, Washington 98104
telephone 206.441.1069 • www.ewlaw.net • facsimile 206.441.1089

Exhibit 2



King County

Permitting Division

Department of Local Services

35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065-9266

206-296-6600 | Relay: 711

<https://kingcounty.gov/permits>

November 6, 2019

TM Squared LLC
16639 126th Avenue NE
Woodinville, WA 98072

RE: King County Code Violation Code Enforcement
At: Parcel – 152605-9051 – 14701 148th Ave NE

Case # **ENFR19-0989**
Zoning: RA-5

Dear TM Squared LLC;

As you are aware, the property you recently purchased has open code violations. Thank you for coming to the office to look into correcting the violations. This letter is to officially advise you of the code violations, provide instruction on correcting the violations, and a deadline for compliance. The following violations of the King County Code exists on the subject property.

1. Remodel and conversion of a Residence and four (4) unpermitted accessory structures (Barn, Office, two (2) Sheds) into a commercial use and habitable space IBC 202, without the required permits, inspections and approvals in violation of Sections 16.02.240, 21A.08.030, and 21A.08.080 of the King County Code and Sections 105.1 and 114 of the International Building Code.
2. Operation of Commercial Businesses from an RA-5 zone and placement of business related signs from an RA-5 zoned parcel that does not allow that use in violation of Sections 21A.08.080 B3, 21A.08.080 B12, 21A.30.085, and 21A.20.080 of the King County Code

To correct these violations:

- 1a. Apply for and obtain the required permits, inspections and approvals with complete application to be submitted by the following schedule:
 - A. A permit pre-screening meeting request shall be submitted **by December 6, 2019. See enclosed application packet.**
 - B. A complete application must be submitted to the Health Department for approval within 15 days of pre-screening meeting, provide a copy of the Health Department application to Code Enforcement.

NOTE: A Critical Areas Designation (CAD) from D.P.E.R. may be required prior to Health Department submittal if a new septic design is required. If required, a complete CAD application is to be submitted within 30 days of notification and resubmittal to the Health Department within 30 days of CAD issuance.
 - C. A complete building permit application is to be submitted within 45 days of the building permit pre-screening meeting.

NOTE: Application for a permit does not ensure that a permit will be issued. An applicant should also be aware that permit fees and/or site conditions and/or repair expenses may make the application cost prohibitive. The only alternative may be to demolish the non-permitted construction.

- D. Meet all deadlines for requested information associated with the permit(s) and pick up the permit(s) within the required deadlines. Request a building inspection at time of permit issuance, make any required corrections and obtain final approval for occupancy within one year of permit issuance.
- E. If the permit application or any required approvals including but not limited to Health Department approval is denied, apply for and obtain a demolition permit to remove the new construction within 30 days of final denial of any of the permit approvals. Demolition must be completed within 60 days of permit issuance even though a demolition permit is good for 1 year.
- F. Within 30 days of obtaining Health Department approval, submit an application for a shoreline exemption and a critical areas variance, if required.

OR

1b. If an application to permit the construction is not pursued, apply for and obtain a demolition permit to remove the new construction **by December 6, 2019**. Demolition must be completed within 60 days of permit issuance even though a demolition permit is good for 1 year.

NOTE: Obtaining a demolition permit may not be an option if the construction is an addition and the entire building can't be torn down. They will still need a permit to remove the addition and repair the structure.

2. Cease operation of the businesses, remove the business related signs from this RA-5 zone site and relocate the businesses to a zone that allows that use by **December 6, 2019**.

Our office will follow up to determine compliance after the deadline date above. If the violations are not corrected at the time of the follow up, our office will issue a legal notice which requires compliance by a specific date. The legal notice, also known as a Notice and Order, subjects you to civil penalties and is recorded against your property title.

To avoid the Notice and Order you have the option of entering into a Voluntary Compliance Agreement (VCA) to achieve compliance. Similar to the Notice and Order, the VCA is a legal document in which you acknowledge that you have violations on your property and agree to bring them into compliance by a specific date. The VCA can also subject you to civil penalties and is recorded against your property title.

If you are unable to resolve the violations by the dates agreed upon in a VCA or required by a Notice and Order you may be subject to an abatement process in which a contractor, acquired by the county, would correct the violations. The civil penalties, costs incurred by the county to pursue code compliance, and the cost of that abatement would be your responsibility and may be filed as liens against your property

It is important you correct the violations and/or respond immediately to this letter. If you have any questions, or need further assistance, please contact me by e-mail at ladonna.whalen@kingcounty.gov .

Thank you for your cooperation.

Officer Whalen
King County Code Enforcement



Department of Local Services
 Permitting Division
 919 SW Grady Way, Suite 300
 Renton, WA 98057
 206-296-6600 TTY Relay 711

Compilation of all comments by Record

Record No. ENFR19-0989 / Enforce/Enforcement/NA/NA

Status: Replaced
Applicant:
Title: TM SQUARED LLC
Description: EXTENSIVE CONSTRUCTION OF NEW STRUCTURES AND REMODELING ON EXISTING STRUCTURES WITHOUT THE REQUIRED APPROVALS, PERMITS AND/OR INSPECTIONS. OPERATION OF MULTIPLE ADULT BEVERAGE TASTING BUSINESS' IN A ZONE NOT ALLOWING THE USE. CREATION OF OVER 2,000 SQ. FT. OF NEW IMPERVIOUS SURFACE FOR DRIVEWAY AND PARKING, PLACEMENT OF BUSINESS SIGNS WITHOUT PERMITS.
Site Address: 14701 148TH AVE, WA

Comment Date	First Name	Last Name	Comments
Application Comments			
10/07/2019	Toya	Williams	10/07/19 PER EMAIL FROM LWHA - SHE IS TERMINATING ENFR15-0287 TO THIS NEW CASE AND NEW OWNER.
Application Comments			
10/24/2019	Toya	Williams	10/07/19 ORIGINAL COMPLAINT VIA LWHA VIA EMAIL TO HER INBOX AND IS SAVED IN CASE DOCS.
Application Comments			
10/24/2019	Toya	Williams	10/25/19 VIO1 LTR SENT
Task: Intake Complaint			
10/25/2019	Toya	Williams	10/25/19 VIO1 LTR SENT
Task: Initial Code Enforcement Inspection			
11/06/2019	LaDonna	Whalen	THIS CASE IS A REPLACEMENT OF ENFR15-0287, BECAUSE OF PROPERTY OWNERSHIP CHANGE
Task: Notification			
11/06/2019	LaDonna	Whalen	VIO 2 WITH ABC PACKET SENT
Application Comments			
11/06/2019	Toya	Williams	11/04/19 NEW CONFIDENTIAL COMPLAINT SUBMITTED ON-LINE (ENFR19-1066 - VOIDED) DESCRIPTION: RESIDENTIAL HOUSE CONVERTED TO A BEER TAVERN FOR FISH BREW. SEVERAL OUT-BUILDINGS OPERATING AS WINE BARS (DRINKING PLACES) AND/OR RETAIL SALES OUTLETS (LIQUOR STORES) FOR WINES. NUMEROUS SIGNS THAT DO NOT CONFORM TO APPLICABLE SIGN CODES. HOSTS EVENTS FREQUENTLY OPEN UNTIL 8PM AND OCCASIONALLY LATER.
Task: Follow-up Code Enforcement Inspection			
03/03/2020	LaDonna	Whalen	PO MIKE CAME TO THE DEPARTMENT TODAY WITH QUESTIONS ABOUT THE PROPERTY. JPED MET WITH HIM, AND I MET WITH HIM AFTER THE FACT. THE MEETING RESOLVED WITH PO GETTING THE ABC PACKET IN THE QUEUE. I E-MAILED HIM ANOTHER COPY OF THE ABC PRE-APPLICATION PACKET.
Task: Follow-up Code Enforcement Inspection			
03/13/2020	LaDonna	Whalen	PREA20-0066 REC'D
Task: Follow-up Code Enforcement Inspection			
03/31/2020	LaDonna	Whalen	REVIEWING PRE-APP SUBMITTAL. HOUSE ON SITE WAS BUILT IN 1950. NO PERMITS ARE ON RECORD FOR ANY

Exhibit 3

#Subject: Sammamish Valley Overlay amendment
 #From: Mike Tenhulzen <mike@tenhulzen.com>
 #To: "dave.upthegrove@kingcounty.gov" <dave.upthegrove@kingcounty.gov>
 #Cc:
 #Date: Mon, 25 Nov 2019 00:33:40 +0000
 #Attachments: Tenhulzen - Overlays A&B white paper.pdf

#Body:
 Councilmember Upthegrove,

I look forward to speaking with you regarding the attached proposal.

My wife Traci, son Matthew and myself (Michael) are the namesake of TM Squared. After several years of searching, we recently purchased the 1.48 acre parcel from Sal Leone 2 ½ months ago. Over the course of feasibility and since closing, we have been focused on untangling the issues related to the previous owner. Our vision is a family-friendly experience nestled between the Sammamish Valley Grange and King County baseball fields. Until we are able to obtain the required permits to enhance the property, we believe that the most compatible and lowest impact is the current use.

Our family is rooted in mid-western beliefs and is fundamentally different from the prior owner. I was raised in Redmond and have lived in Woodinville since 2003. My wife and I have participated in volunteer organizations from the Woodinville Chamber to Rotary and Lions Clubs, The Kirkland Performance Center and Master Builder's Association. Our Bellevue-based business services northeast King County with integrity.

We want to create a space that cooperates with the community and enhances its culture. The iconic pink tractor and a dozen other farming relics are to be preserved on the property in respect to local farmers. Positioned directly across the street from The Woodinville Visitors Center, Woodinville Chamber of Commerce, Woodinville Wine Country and the Sammamish Valley Grange is a natural fit for inclusion in Overlays A & B.

Thank you for your consideration in sponsoring and/or voting in favor of this proposal.

Sincerely,

Michael Tenhulzen
 TM², LLC
 14701 148th Ave NE
 Woodinville 98072
 425-864-6021

Parcel #152605-9051 Proposal to add to Overlays A & B

Contact: mike@tenhulzen.com / 425-864-6021

Geography:

1. Bordered by landscaping company to the north, KC park to the west, commercial-zoning to the south, and Woodinville Chamber, Woodinville Wine Country & Visitors Center to the east.
2. Outside the Agricultural Production District boundary.

Ownership:

1. Michael and Traci Tenhulzen purchased 9/13/19.
2. Tenhulzen name is respected for quality and integrity with dozens of successfully permitted residential remodels in KC.
3. No connection to prior owner, winery, brewery or distillery.

Precedence:

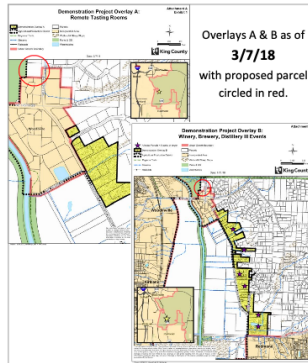
1. Sheryl Lux, KC Code Enforcement Manager removed code violations from property title to allow purchase and sale transaction from prior owner, Sal Leone.
2. Felicana tasting room added to Overlay A some time between 3/7/18 and 3/4/19.

Existing conditions:

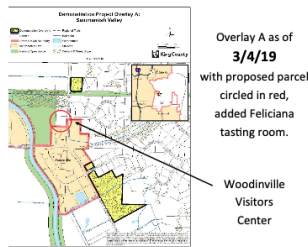
1. 4 structures used as tasting rooms since 2014.
2. Existing leases through 4/2021 w/ 3 year extension option.
3. 60% impervious surface since 2005.

Proposed plan:

1. 40% impervious surface or less (20% reduction).
2. Environmentally-responsible farm to table Bed & Breakfast.
3. Improved access and pedestrian safety.
4. Family-friendly Sammamish Valley experience.



Overlays A & B as of 3/7/18 with proposed parcel circled in red.



Overlay A as of 3/4/19 with proposed parcel circled in red, added Felicana tasting room.



Exhibit 4

GOOD BREWING COMPANY OPENS ANOTHER TAPROOM IN WOODINVILLE

January 16, 2020 Kendall Jones 2 comments



Good Brewing Company recently opened its second taproom in Woodinville. You'll find the new taproom in the Hollywood District, near the intersection of 148th Avenue SE and SE 145th Street, surrounded by wineries and winery tasting rooms. Look for the old Studebaker pickup truck out front.



Exhibit 5



King County
Department of Local Services
Permitting Division
Code Enforcement Section
35030 SE Douglas St., Ste. 210
Snoqualmie, WA 98065-9266
206-296-6600 TTY Relay: 711
www.kingcounty.gov

November 18th, 2021

TM SQUARED LLC
16639 126TH AVE NE
WOODINVILLE, WA 98072

RE: Compliance Schedule; Code Enforcement Case # **ENFR21-0765**
AT: 14701 148TH AVE NE Zoning: RA-5

Dear TM SQUARED LLC;

This letter confirms a compliance schedule for correction of the following code violation(s) on the property of the subject enforcement case.

1. The operation of a Drinking Place (tap room; Good Brewing) without a King County Business License in violation of King County Code Section 6.74.030. and in violation of King County Code Section 21A.08-070.
2. Operation of a contracting business from a residential site that does not meet the requirements for a home occupation in violation of Section 21A.30.085 and 21A.08.060 of the King County Code.

The compliance schedule is as follows:

1. Cease the operation of the Drinking Place by December 31st, 2021. A business license cannot be obtained unless the use is allowed in the zone and permits have been applied for. This use is not an allowed use in the RA-5 zone therefore no permit can be obtained.
2. Cease operation of the contracting business from this residential site and remove the office use, storage of equipment and materials from the property or comply with the requirements for a home occupation by December 31, 2021. (There is no residential use on this property at this time therefore the business is not allowed on site.)

If you do not concur with the compliance schedule, contact me immediately. Failure to adhere to the compliance schedule could result in a legal notice being issued. The legal notice will subject you to civil penalties and be recorded against your property. You may also be subject to an abatement process in which a contractor would correct the violation(s). The civil penalties, costs incurred by the county to pursue code compliance, and the cost of that abatement would be your responsibility and may be filed as liens against your property. You also have the option of entering

into a Voluntary Compliance Agreement to achieve compliance. Ask your Code Enforcement Officer for the details.

Thank you in advance for your prompt attention to this matter. If you have further questions, please contact me at (206) 477-0294. If I am unavailable, leave your name, case number, and phone number on the voice mail and I will return your call as soon as possible. You may also respond by Email:

Jeri.Breazeal@kingcounty.gov.

Thank you for your cooperation.

Officer Breazeal

King County Code Enforcement

CC: Good Brewing; 16104 125TH PL NE, WOODINVILLE, WA 98072

Exhibit 5

Exhibit 6

Screen Shot 2022-12-01 at 10.47.54 AM.jpeg

Safari File Edit View History Bookmarks Window Help

Delta Windy Rivers NWAC Bigcharts Wings Fidelity Schwab FB CP Apple iC

iMap

Record Details

Applicant:
 Michael Tenhulzen
 13208 NE 20th St. Suite 300
 Bellevue, WA, 98005

Licensed Professional:
 TENHURL88805
 State TENHURL88805

Project Description:
 CONSTRUCT 3-STORY (5 BDRM) ADDITION TO EXISTING SINGLE-FAMILY RESIDENCE WITH COVERED DECKS AND ATTACHED GAZEBO; ESTABLISH RESIDENTIAL ACCESSORY BED & BREAKFAST USE, REMOVE ABC ADDITIONS TO EXISTING RESIDENCE AND REMODEL TO CREATE FAMILY ROOM WITH STORAGE CLOSET, BATHROOMS, LIVING ROOM (NO ADDITIONAL BEDROOMS); LEGALIZATION OF 1-STORY DETACHED UNHEATED ACCESSORY BUILDING TO BE USED AS STORAGE; INSPECTOR TO VERIFY DEMOLITION OF BUILDING B, BUILDING C AND REMOVAL AND RESTORATION OF IMPERVIOUS SURFACES TO MEET ZONING REQUIREMENTS (SEE ALSO ENFR19-0989 / PREA20-0066)

Owner:
 TM SQUARED LLC *
 16639 126TH AVE NE
 WOODINVILLE WA 98072

▼ **More Details**

☑ **Related Contacts**

information
 Organization
 Kevin Huber
 Tenhulzen Residential
 13208 NE 20th Street NE 20th Street
 Bellevue, WA, 98005

☑ **Application Information**

GENERAL

Already Built Construction?:	Yes
1st Floor:	2345
2nd Floor:	2103
3rd Floor:	734
Site Elevation:	45
Isobar Value:	0.052
Snow Load:	25
Sprinklers Required:	Yes
School District Number:	417
Community Service Area:	Bear Creek/Sammamish Area
Subarea:	u
Council District:	6
New Domestic Well:	No

DATES

Vesting Date:	12/23/2020
Approved:	06/09/2022
Issued:	08/10/2022
Expires:	08/10/2023

☑ **Parcel Information**

Exhibit 7



Tenhulzen Residential Design/Build
Remodeling



[Website](#)

[Directions](#)

[Save](#)

Service options: Onsite services · No online estimates

Address: 14701 148th Ave NE, Woodinville, WA 98072

Hours: Thursday 7:30AM–4:30PM

Friday 7:30AM–4:30PM

Saturday Closed

Sunday Closed

Monday 7:30AM–4:30PM

Tuesday 7:30AM–4:30PM

Wednesday 7:30AM–4:30PM

[Suggest new hours](#)

Phone: (425) 885-9871



TENHULZEN RESIDENTIAL

DESIGN/BUILD REMODELING

Each year, our company photo is modeled after a popular movie poster. This is not only for our performance-oriented approach to home improvement, but for our camaraderie as well. Furthermore, each poster is revealed at a celebratory event of the prior year known as **AVATAR** (Annual Vendor And Trade Awards Recognition). We invite our Trade partners to the event and announce the winners!

Click on each poster to be directed to our annual storyline and reveal of our Trade Partner Awards.



Exhibit 8



Exhibit 9

