



**King County**

**Department of Permitting  
and Environmental Review**

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**FINAL CODE INTERPRETATION  
CINT16-0001 (Rock Mountain Products LLC)**

Background

Rock Mountain Products submitted a code interpretation on March 17, 2016. Due to a staff illness, this code interpretation has taken longer than the normal sixty days to process.

Code Enforcement is working on several issues with regard to Rock Mountain Products, which is located at 24808 NE Redmond-Fall City Road (tax lot 2325069031). One issue is how to classify the business. Rock Mountain's website identifies the business as follows:

*Rock Mountain Products is a full nursery and landscape stone business. We carry pond equipment, pumps (including FlowRanger, Danner Hurricane, Alpine, Cyclone, Teton, PondMax and Surepro), liners, filters, pvc fittings, Koi, goldfish, aquatic plants, pond care products, over 500 potted bamboo plants, Iron Mountain Faux Columns, pots, fish products, garden art, outdoor furniture and more.*

*We continue to carry an expansive inventory of all products on over seven acres including, landscape stone products; Pennsylvania Bluestone, Idaho Quartzite, China Quartzite, Slates and Granite, Montana Slates, Various River Rock, Column Rock and Fountains, Iron Mountain, Granite, Dimensional Stone, Stone Benches/Tables, Mexican and Indonesian Pebbles, Rubble Stone, Stone Slabs and Specialty Rock, Dish Rocks and Bird Baths. We are conveniently located east of Seattle just minutes from Redmond and Fall City.*

The site is zoned RA-5 (Rural Area, minimum 5 acres).

Discussion

A retail nursery (retail nursery, garden center, farm supply store) is permitted as an outright use and a conditional use in an RA zone, subject to the following development condition:

**KCC 21A.08.070.B.1.a.** As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three

thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area. Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of the covered sales area;

- b. The site area shall be at least four and one-half acres;
- c. Sales may include locally made arts and crafts; and
- d. Outside lighting is permitted if no off-site glare is allowed.

**KCC 21A.08.060.B.34** Construction and trade in the RA zone is a permitted use, subject to Development Condition 34:

34. Limited to landscape and horticultural services (SIC 078) that are accessory to a retail nursery, garden center and farm supply store. Construction equipment for the accessory use shall not be stored on the premises

SIC 078 is defined as:

*Industry Group 078: Landscape And Horticultural Services*

*0781 Landscape Counseling and Planning*

*Establishments primarily engaged in landscape planning and in performing landscape, architectural and counseling services.*

*Garden planning*

*Horticultural advisory or counseling services*

*Landscape architects*

*Landscape counseling*

*Landscape planning*

*0782 Lawn and Garden Services*

*Establishments primarily engaged in performing a variety of lawn and garden services.*

*Establishments primarily engaged in the installation of artificial turf are classified in Construction, Industry 1799.*

*Bermuda sprigging services*

*Cemetery upkeep, independent*

*Garden maintenance*

*Garden planting*

*Lawn care*

*Lawn fertilizing services*

*Lawn mowing services*

*Lawn mulching services*

*Lawn seeding services*

*Lawn spraying services*

*Lawn sprigging services*

*Mowing highway center strips and edges*

*Seeding highway strips*

*Sod laying*

*Turf installation, except artificial  
0783 Ornamental Shrub and Tree Services  
Establishments primarily engaged in performing a variety of ornamental shrub and tree services. Establishments primarily engaged in forestry services are classified in Major Group 08. Establishments primarily engaged in general lawn and garden planting and maintenance are classified in Industry 0782, and those primarily engaged in performing shrub and tree services for farm crops are classified in Industry 0721.*

*Arborist services*

*Ornamental bush planting, pruning, bracing, spraying, removal, and  
Ornamental tree planting, pruning, bracing, spraying, removal, and  
Tree trimming for public utility lines*

*Trees, ornamental: planting, pruning, bracing, spraying, removal, and  
Utility line tree trimming services*

As it exists today, Rock Mountain Products does not meet the definition of "landscape and horticultural services." The bulk of the products identified on the website describe retail and wholesale marketing and sale of rock products. These products form the overwhelming majority of the business onsite and are not an "accessory use."

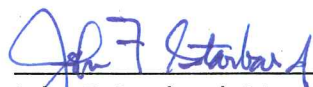
The service provided may be to assemble the rock products at a client site. The services do not involve the planning and installation of plants, lawn maintenance and care, or a variety of ornamental shrub and tree services, as defined by SIC 078.

Conclusion

Rock Mountain Products does not meet the definition of "landscape and horticultural services" or of an "accessory use" and is not permitted in the RA-5 zone.

Finality of Code Interpretations

Under KCC 2.100.050.A, the director's decision on a code interpretation is final. A code interpretation issued by the director governs all staff review and decisions unless withdrawn or modified by the director or modified or reversed on appeal by the King County Hearing Examiner, King County Council, or an adjudicatory body (KCC 2.100.040.H).

  
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John F. Starbard, Director  
Department of Permitting and Environmental Review

08/01/16  
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Date