

Discussion

While a retail nursery is an allowed use in the RA zone, the retail and wholesale marketing and sale of rock products is not allowed outright under:

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*

Based on the business description of “supplier” and “retail” on the website, Rock Mountain Products does not meet the definition of “landscape and horticultural services.” Because it does not meet this definition, Rock Mountain Products may not be considered an allowed use in the RA-5 zone.

Conclusion

As it exists today, Rock Mountain Products does not meet the definition of “landscape and horticultural services” and is not permitted in the RA-5 zone.

2. Does a business operated on two separate properties qualify as a home occupation?

Background

Code Enforcement is working with a property owner who operates a home occupation business on his property in Preston. Staff recently determined that he is also operating the home occupation business under the same company name on his property in the Maple Valley area. The property owner lives on the Preston property, which is zoned RA-2.5; his son lives on the Maple Valley property, which is zoned RA-5.

The definition of a home occupation is:

KCC 21A.06.610 Home occupation. Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence.

The governing provisions of a home occupation are:

KCC 21A.30.085 Home occupations in the A, F and RA zones. In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:
(provisions A through L)
(*emphasis added*)

Discussion

Both properties are zoned RA. Both properties have a business operation on them. Both properties have someone living on the property.

In reviewing this question, it is unclear whether the resident on the Maple Valley property has any connection with the operation of the business on that parcel. In order for one business to operate in two locations, the business needs to demonstrate that the resident on each parcel actually operates the business on that parcel.

Conclusion

The business owner should demonstrate to Code Enforcement that the resident on the Maple Valley property actually operates or conducts the business on that property.