



Snohomish County

**Planning and
Development Services**

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MEMORANDUM

To: Debbie Eco, Clerk of the Council
From: Sarah Titcomb, Principal Planner
Subject: Notice of Proposed Rule Making Action
Date: March 8, 2023

Dave Somers
County Executive

Proposed Rulemaking Action

Planning & Development Service proposes and is soliciting comments on:

Draft Rule 23-01 – Incidental Uses

Background

Incidental use is defined in Snohomish County Code (SCC) 30.91I.030 as,

“a use which occurs as a result of, or in connection with, a permitted use, conditional use, or administrative conditional use. The incidental use must be secondary or minor in nature, but associated with, the permitted use, conditional use, or administrative conditional use.”

SCC 30.22.025 authorizes the placement of incidental uses on a lot, stating,

“Uses which are incidental to a conforming permitted, conditional, or administrative conditional use may be placed on lots in conjunction with the permitted, conditional, or administrative conditional use.”

Rule Summary

County code is silent on specific factors that PDS may consider in determining whether a use qualifies as an incidental use. The intent of this rule is to provide more specificity to the existing code sections that define and allow the placement of incidental uses on sites in unincorporated Snohomish County (SCC 30.91I.030 and SCC 30.22.025). This rule provides eight non-exclusive factors that PDS will utilize to determine incidental uses. It will be the responsibility of an applicant to provide any necessary documentation and information to PDS to demonstrate that the proposed incidental use complies with the applicable factors and code.

Process

Pursuant to SCC 30.82.030, the notice of proposed rulemaking action will be published in *The Herald* on March 13, 2023, commencing the 21-day public comment period. Comments regarding the proposed rule must be submitted in writing by 5:00 p.m. on or before April 3, 2023.

Decision

After reviewing and considering the comments submitted in response to the notice of proposed rulemaking action, pursuant to SCC 30.82.040(1), the PDS Director may approve proposed Rule 23-01, with or without changes.

Council Review

Interested persons may request a review of an amended or repealed rule by the County Council upon request within 120 days of final rulemaking action. Pursuant to SCC 30.82.065, Council review shall determine whether the final rulemaking action is consistent with the scope of the department's rulemaking authority. No other formal appeal opportunity is available.

Staff Contact

Please contact Sarah Titcomb, Principal Planner at 425-262-2128 or sarah.titcomb@snoco.org if you have any questions.

Attachments:

Proposed Rule 23-01