



Snohomish County

Planning & Development Services

---

## MEMORANDUM

**TO:** Debbie Eco, Clerk of the Council

**CC:** David Killingstad, Long Range Planning Manager, PDS  
Michael Dobesh, Permitting Manager, PDS  
Ryan Countryman, Legislative Analyst

**FROM:** Mike McCrary, Director, Planning and Development Services (PDS)

**DATE:** April 26, 2023

**SUBJECT:** Notice of Final Action – Adoption of Rule 23-01 Incidental Use

---

### **Introduction**

Pursuant to Snohomish County Code (SCC) 30.82.030 (Rulemaking), the Department of PDS proposes action on Rule # 23-01, Incidental 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.

### **Effect**

Rules issued in accordance with the provisions of Chapter 30.82 SCC, have the same effect and are enforceable as a provision of Title 30 SCC.

### **Process**

The notice of proposed rulemaking action was published in *The Herald* March 13, 2023. The 21-day public comment period ended at 5:00 p.m. on April 3, 2023. No comments were received from the public. Public notice of final action indicating rule adoption will be published in *The Herald* on May 1, 2023.

### **Decision**

The PDS Director approved the proposed rule on April 26, 2023, pursuant to SCC 30.82.040(1).

### **PDS Director's Rule 23-01**

Incidental Use

Page 1 of 2

**Council Review**

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

Questions or copies of the rule package may be obtained by contacting Sarah Titcomb at 425-262-2128 or [Sarah.Titcomb@snoco.org](mailto:Sarah.Titcomb@snoco.org).

**Attachments:**

Notice of Final Action Rule Adoption  
Rule 23-01 – Incidental Use