



CO00037257

1 Approved: June 3, 2009
2 Effective: June 18, 2009

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON

6
7 ORDINANCE NO. 09-059

8
9 RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS, AMENDING
10 SNOHOMISH COUNTY CODE (SCC) TO ADD A NEW CHAPTER 30.35B,
11 DESIGNATION OF SENDING AREAS BY COUNCIL MOTION
12

13 WHEREAS, pursuant to the Growth Management Act (GMA), chapter 36.70A
14 RCW, the Snohomish County Council has adopted the Snohomish County GMA
15 Comprehensive Plan (GMACP) – General Policy Plan (GPP) for the unincorporated
16 areas of Snohomish County; and

17
18 WHEREAS, the GPP establishes goals, objectives and policies that provide a
19 framework for Transfer of Development Rights (TDR) and Purchase of Development
20 Rights (PDR) programs; and

21
22 WHEREAS, Amended Ordinance No. 04-123, adopted December 15, 2004,
23 authorized the establishment and implementation of a voluntary and incentive-based
24 Transfer of Development Rights (TDR) program to encourage the preservation of
25 agricultural lands and concentration of population growth in urban areas; and

26
27 WHEREAS, the Snohomish County Council adopted Amended Ordinance No.
28 08-051 on June 3, 2008, revising Goal LU 14 to provide greater flexibility in the transfer
29 of development rights by providing, among other things, methods other than amending
30 the Future Land Use (FLU) Map for designating natural resource lands under the TDR
31 program as sending and receiving sites; and

32
33 WHEREAS, GPP LU Policy 14.A.1 (c.), states that natural resource lands
34 targeted for conservation through the TDR program may be designated by interlocal
35 agreement, development agreement or code amendment; and

36
37 WHEREAS, GPP LU Policy 14.A.8, states that the "TDR Receiving Area Overlay
38 may only be applied to areas located within the Rural Urban Transition Area concurrent
39 with the addition of such areas to an adjacent urban growth area (UGA) or to other
40 areas agreed to by interlocal agreement, development agreement, or code
41 amendment;" and

42
43 WHEREAS, these policies allowing the use of interlocal agreement, development
44 agreement, or code amendment to designate sending areas are intended to provide the
45 county greater program flexibility, and allow timely response to changing market

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CODE (SCC) TO ADD A NEW CHAPTER 30.35B - 1

46 conditions so that the transfer of credits can operate on free market principles for the
47 purpose of permanently conserving specified watershed, habitat, open space and
48 natural resource lands; and

49
50 WHEREAS, the existing chapter 30.35A SCC requires that sending areas be
51 designated by a change to the Future Land Use (FLU) map through and a zoning
52 overlay, which is a lengthy process; and

53
54 WHEREAS, in order to fully implement the TDR policies contained in the GGP,
55 the county has developed code amendments establishing a new process that allows the
56 County Council to designate TDR sending areas by motion; and

57
58 WHEREAS, a public hearing was held before the Snohomish County Planning
59 Commission on April 28th, 2009; and

60
61 WHEREAS, the planning commission considered the entire record, including
62 public testimony, and on April 28, 2009, voted to recommend Ordinance No. 09-059 and

63
64 WHEREAS, the Snohomish County Council held a public hearing on June 3,
65 2009, to consider the entire record, including the planning commission's
66 recommendation, and to hear public testimony on Ordinance No. 09-059; and

67
68 WHEREAS, the county council deliberated on the planning commission
69 recommendation and public testimony on June 3, 2009.

70
71 NOW, THEREFORE, BE IT ORDAINED:

72
73 **Section 1.** The Snohomish County Council adopts and incorporates the
74 foregoing recitals as findings and adopts and incorporates the following additional
75 findings by as if set forth in full:

76
77 **Section 2.** The Snohomish County Council makes the following additional
findings of fact:

78 The county council hereby adopts and incorporates by reference the findings and
79 conclusions adopted and the legislative records developed in adopting Amended
80 Ordinance No. 05-141, Amended Ordinance No. 05-142, Amended Ordinance No. 06-
81 046, and Ordinance No. 08-051

82
83 **Section 3.** The Snohomish County Council makes the following conclusions:

84 A. The amendments adopted by this ordinance are consistent with and further the
85 goals, objectives, policies, and requirements of the GMACP.

- 86 B. Designating sending areas by council motion is necessary to respond in a timely
87 manner to conserve certain significant watershed, habitat, open space and natural
88 resource sites.
- 89 C. The creation of chapter 30.35B SCC adopted by this ordinance is necessary to
90 implement the TDR program, as envisioned in the comprehensive plan.
- 91 D. The amendments adopted by this ordinance satisfy the procedural and substantive
92 requirements of and are consistent with the GMA and chapter 30.73 SCC.
- 93 E. The public meetings and hearings before the planning commission and the county
94 council, and related public notices, satisfy the public participation goals and
95 requirements of the GMA, including RCW 36.70A.020(11), RCW 36.70A.035 and
96 RCW 36.70A.140, as well as the requirements of chapter 30.73 SCC.
- 97 F. The proposed amendments to chapter 30.35 SCC as set forth in this ordinance are
98 in the best interest of the county and protect the public health, safety and welfare.
- 99 G. A Determination of Non-Significance (DNS) was issued on March 25th, 2009, and
100 satisfies the requirements of the State Environmental Policy Act (SEPA) (Ch. 43.21C
101 RCW) with respect to this ordinance.
- 102 H. All requirements of SEPA and chapter 30.61 SCC with respect to this non-project
103 action have been satisfied.

104 **Section 4.** The Snohomish County Council bases its findings and conclusions
105 on the entire record of the planning commission and the county council, including all
106 testimony and exhibits. Any finding which should be deemed a conclusion, and any
107 conclusion which should be deemed a finding, is hereby adopted as such.

108
109 **Section 5.** A new chapter is added to subtitle 30.35 of the Snohomish County
110 Code to read:

111
112 **Chapter 30.35B**
113 **DESIGNATION OF TRANSFER OF DEVELOPMENT RIGHTS SENDING**
114 **AREAS BY COUNCIL MOTION**
115

116 **30.35B.010 Designation of Transfer of Development Rights (TDR) Sending Areas**
117 **by Council Motion—purpose and applicability.**
118

119 (1) Purpose. The purpose of this chapter is to create a process that allows the
120 county by council motion to identify certain open space, natural and resource areas in
121 unincorporated Snohomish County as TDR sending areas. The county may take timely
122 action to conserve watershed, habitat, open space and resource areas for the use and
123 enjoyment of future generations by allowing the transfer of development rights from
124 lands with significant conservation values to lands considered more appropriate for

125 development. Subject to the requirements of this chapter, the transfer of development
126 rights from sites located within TDR sending areas to sites located within TDR receiving
127 areas is allowed in order to:

128 (a) permanently preserve watershed, habitat, open space, and natural resource and
129 lands with countywide public benefit;

130 (b) provide flexibility and better use of land and building techniques;

131 (c) help preserve watershed, habitat, open space and natural resource lands of
132 significance;

133 (d) implement the County-wide Planning Policies, and GPP TDR goals, objectives,
134 and policies, and the provisions of this chapter.

135 (2) Applicability. The requirements of this chapter do not apply to the processing or
136 issuance of building permits or other development approvals. This chapter supplements
137 county land use regulations and resource land protection efforts by establishing
138 requirements for:

139 (a) determining the number of certified development rights that a sending site is
140 eligible to transfer based on the overall developable area of the site which is intended to
141 provide an incentive for use of the TDR program;

142 (b) issuing TDR certificates reflecting the number certified development rights that a
143 sending site is eligible to transfer;

144 (c) conveying TDR certificates and recording conservation easements that restrict
145 development on sending sites;

146 (d) qualifying TDR sending sites in accordance with the comprehensive plan.

147
148 **30.35B.020 Designation of Transfer of Development Rights (TDR) sending areas**
149 **by council motion overview.**

150
151 (1) Designation of sending areas. Upon a completed application the County Council,
152 may by motion designate a site as a TDR sending area, if they find the area to be
153 designated is has significant conservation, watershed, habitat, open space or natural
154 resource values.

155 (2) Issuance and conveyance of TDR certificates. Subject to the requirements of this
156 chapter, sending site owners may obtain from the department serially numbered TDR
157 certificates reflecting the number of certified development rights that may be transferred
158 from the sending site owner to a purchaser, and which may thereafter be freely
159 transferred from purchaser to purchaser until ultimately applied to a receiving site
160 located within a receiving area. The number of certified development rights credited to
161 a sending site is determined based on the overall developable area of the sending site.
162 TDR certificates may be applied to receiving sites pursuant to the requirements of this
163 chapter or applicable city regulations.

164 (3) Grant of TDR conservation easement. TDR certificates from a site designated a
165 sending area pursuant to requirements of chapter 30.35B SCC may be issued in
166 exchange for a conservation easement granted to the county pursuant to the
167 requirements of this chapter. The TDR conservation easement is used to conserve,
168 watershed, habitat, open space and natural resource use, on the sending site for which
169 TDR certificates are certified.

170 (4) Application of certified development rights to receiving areas. Subject to the
171 requirements of this chapter or applicable city regulations, certified development rights,
172 as reflected by properly issued TDR certificates, may be used to obtain development
173 incentives within designated TDR receiving areas.

174
175 **30.35B.030 Transfer of development rights (TDR)—designation of sending area**
176 **sites by council motion.**
177

178 (1) The County Council may by motion designate certain sites as sending areas when
179 it is in the public interest to transfer development rights to preserve land with significant
180 watershed, habitat, open space, and natural resource values.

181 (2) To be designated a sending area under chapter 30.35B SCC, the site must meet
182 the following minimum requirements:

183 (a) Sending site must follow established lot lines. The boundaries of a sending site
184 must follow established lot lines and cannot include less than the entire portion of a lot,
185 as defined in Title 30 SCC.

186 (b) Private ownership required. The sending site must be owned by a private
187 individual or entity, and may not be owned by municipal corporations, special purpose
188 districts, or government bodies.

189 (c) Code compliance required. If the sending site is the subject of code enforcement
190 action by the county, the person responsible upon whom a notice for a violation has
191 been served pursuant to chapter 30.85 SCC must resolve these violations, including
192 any required abatement, restoration, or payment of civil penalties, before development
193 rights for the sending site may be certified or transferred by a sending site landowner.
194 This requirement may be waived at the discretion of the director where a proposal is in
195 the public interest, provided that any outstanding code violations do not materially affect
196 the conservation value of the sending site and the person responsible for code
197 compliance is making a good faith effort to resolve the violations. Waivers granted
198 pursuant to this subsection are solely for the purpose of TDR sending site eligibility and
199 do not constitute a waiver of any county land use regulations or affect ongoing or future
200 code enforcement actions related to the sending site.

201 (d) Forest practices compliance required. For lots on which the entire lot or a portion
202 of the lot has been cleared or graded pursuant to a Class II, III or IV special forest
203 practices permit as defined by RCW 76.09.050 within the six years prior to application
204 for certification or transfer of development rights, the applicant must provide an affidavit
205 of compliance with the reforestation requirements of RCW 76.09.070, WAC 222-34-010
206 and any additional reforestation conditions of their forest practice permit. Lots that are
207 subject to a six-year moratorium on development applications pursuant to RCW
208 76.09.060 shall not be qualified as TDR sending sites until such moratoria have expired
209 or been lifted.

210
211 **30.35B.040 Transfer of development rights (TDR) — sending site calculations.**
212

213 (1) Calculation for transfer purposes only. The determination of the number of
214 certified development rights that a sending site is eligible to transfer pursuant to this

215 section, including the determination of TDR net area pursuant to this section, shall be
216 valid for transfer purposes only and shall not entitle the sending site landowner to
217 building permits or other development approvals.

218 (2) Number of certified development rights. The number of certified development
219 rights that a sending site is eligible to transfer shall be determined by calculating the
220 number of residences that could be allowed on the sending site area under the zoning
221 and development code regulations that apply to the sending site.

222 (3) TDR net area. For purposes of determining the number of certified development
223 rights that a sending site can transfer pursuant to subsection (2) of this section, the
224 sending site net area shall equal the area of the sending site area minus the following:

225 (a) The number of existing and proposed residential dwelling units or other
226 residential, commercial, or industrial structures, if any, on the sending site multiplied by
227 the minimum lot area, as determined pursuant to the bulk matrix at SCC 30.23.030(1),
228 for the applicable zone in which the sending site is located.

229 (b) Any portion of the sending site that is already subject to a conservation easement
230 or other recorded encumbrance restricting development on the sending site.

231 (4) The applicant for the TDR credits shall submit on a form provided by the county,
232 a calculation for the number of credits that may be certified, subject to review and
233 approval by the director.

234 (5) TDR calculation final. Except as otherwise provided by SCC 30.35B.050(3)(e),
235 the determination of the number of certified development rights that a sending site is
236 eligible to transfer to a receiving site pursuant to subsection 1 of this section shall not be
237 revised due to subsequent rezones or other changes to the sending site.

238
239 **30.35B.050 Transfer of development rights (TDR)—certification of development**
240 **rights and issuance of TDR certificates.**

241
242 (1) TDR certification process. Subject to the requirements of this section, sending site
243 landowners may obtain TDR certificates which can be transferred pursuant to SCC
244 30.35B.070. The required process for obtaining TDR certificates includes the
245 application process in subsection (2) of this section and the certification process in
246 subsection (3) of this section:

247 (2) Application for TDR certificates. In order to obtain TDR certificates pursuant to
248 subsection 1 of this section, the sending site owner(s) must submit an application for
249 TDR certificates. The applicant for the TDR credits will submit on a form provided by the
250 county, a calculation for the number of credits that may be certified and will be subject
251 to review and approval by the director. The department shall use the application to
252 determine whether the sending site meets the requirements of SCC 30.35B.030 and, if
253 so, the number of certified development rights that the sending site is eligible to transfer
254 pursuant to SCC 30.35B.040. The application shall include all of the following:

255 (a) Legal description and parcel numbers of the sending site for which TDR
256 certificates are sought.

257 (b) The following documents, which shall be used as the basis for determining net
258 area pursuant to SCC 30.35A.050(2):

259 (i) If the sending site consists of one or more undivided tax parcels, the applicant(s)

260 shall provide either official records from the Snohomish County Assessor or a survey
261 that has been prepared and stamped by a surveyor licensed in the state of Washington.

262 (ii) If the sending site consists of lots within one or more tax parcels, the
263 applicant(s) shall provide a survey that has been prepared and stamped by a surveyor
264 licensed in the state of Washington.

265 (iii) If one or more single family dwellings or other residential, commercial, or
266 industrial structures exist on the sending site, the applicant(s) shall submit a site map
267 showing the location of each dwelling.

268 (iv) If the applicant(s) propose to build one or more single family dwellings, or other
269 structures permitted by the sending site zoning, following the issuance of TDR
270 certificates for the sending site, the applicant(s) shall submit a general site plan showing
271 the number of dwellings and their location, as well as any proposed subdivision.

272 (c) A title report issued no longer than 30 days prior to the date of application
273 confirming that the ownership interest(s) in the sending site are in the name(s) of the
274 person(s) whose signature(s) appear on the application for TDR certificates and that
275 there are no existing conservation easements on the sending site.

276 (d) A declaration by the applicant(s) describing the status of ongoing code
277 enforcement actions, if any, relating to the sending site and the steps taken by the
278 applicant to resolve the violations.

279 (e) A declaration by the applicant(s) stating all liens, if any, that are recorded against
280 the sending site.

281 (f) A review fee pursuant to SCC 30.86.135.

282 (g) When the information required by subsection 2 of this section is inadequate or
283 unavailable, the department may require additional documentation from the applicant or
284 rely on information contained in the county geographic information system or other
285 county records.

286 (3) Certification of TDR certificates

287 (a) Following application for TDR certificates by the sending site, staff shall verify the
288 credit calculations prior to submitting the request to the county council for action.

289 (b) The department may issue a TDR certificate letter of intent. The letter shall
290 contain a determination of the number of development rights calculated for the sending
291 site pursuant to SCC 30.35B.040 and an agreement by the department to issue a
292 corresponding number of TDR certificates in exchange for a sending site conservation
293 easement granted to the county by the sending site owner pursuant to SCC
294 30.35B.060. The sending site owner may use the TDR certificate letter of intent to
295 market sending site development rights to potential purchasers, but the certificate letter
296 of intent shall have no value and cannot be transferred or used to obtain increased
297 development rights within receiving areas.

298 (c) The county council may designate the site as a sending area by motion, if they
299 find the area to be designated has significant conservation values.

300 (d) A conservation easement for the sending site shall be approved and accepted by
301 the County prior to issuing any TDR certificates.

302 (e) As provided by the TDR certificate letter of intent, the department shall issue
303 serially numbered TDR certificates to the sending site owner upon acceptance of a
304 conservation easement pursuant to the requirements of this section and SCC

305 30.35B.060; provided, however, that the department shall have 14 days from the date
306 the conservation easement is offered by the sending site owner in which to conduct, at
307 its discretion, a review of the sending site permit file and/or a site inspection. If, based
308 on such a review, the department determines that conditions on the sending site are
309 materially different than those documented in the information provided to the
310 department pursuant to subsection 2 of this section, the department shall reject the
311 conservation easement and the TDR certificate letter of intent shall be null and void.
312 Where a TDR certificate has been determined to be null and void pursuant to this
313 subsection, a sending site owner may reapply for TDR certificates and such
314 reapplications shall be subject to the requirements of this section.

315
316 **30.35B.060 Transfer of development rights (TDR) _ conservation easement.**

317
318 (1) TDR conservation easement required. No TDR certificates shall be issued
319 pursuant to SCC 30.35B.050 unless a conservation easement is accepted by the
320 director pursuant to the requirements of this section.

321 (2) Acceptance and recording of TDR conservation easement. Subject to the
322 restrictions of SCC 30.35A.050(3)(e), the director shall accept and sign on behalf of the
323 county a conservation easement offered by a sending site owner in exchange for TDR
324 certificates following issuance of a TDR certificate letter of intent; provided, however,
325 that the easement meets the requirements set forth in subsection 3 of this section.
326 Following acceptance of a conservation easement by the director, the department shall
327 record the easement with the county auditor.

328 (3) Requirements for TDR conservation easement. The conservation easement shall
329 be on a form approved by the prosecuting attorney and shall be reviewed and approved
330 by the department, subject to the requirements of this section. The easement shall
331 contain, at a minimum, all of the following:

332 (a) A legal description of the sending site.

333 (b) The serial numbers of the TDR certificates to be issued by the department on the
334 sending site that is the subject of the conservation easement.

335 (c) A covenant prohibiting any subdivision of the sending site except for
336 subdivisions, if any, that were proposed in the documentation submitted to the
337 department pursuant to SCC 30.35A.050(2)(b)(iv).

338 (d) A covenant prohibiting all uses that impair or diminish the functions or use of
339 watershed, habitat, open space or resource areas being conserved and the construction
340 of any new residential structures.

341 (e) A covenant that all provisions of the conservation easement shall run with the
342 land and bind the sending site in perpetuity, and may be enforced by the county.

343 (f) A statement that nothing in the restrictions shall be construed to convey to the
344 public a right of access or use of the property and that the owner of the property, his or
345 her heirs, successors and assigns shall retain exclusive rights to such access or use
346 subject to the terms of the conservation easement.

347 (g) Additional provisions that are reasonably necessary for the enforcement and
348 administration of the conservation easement as determined by the director, including a
349 covenant granting the county a right of entry, subject to reasonable advance notice, to

350 conduct brief inspections for the sole purpose of determining compliance with the
351 requirements of the easement.

352
353 **30.35B.070 Transfer of development rights (TDR) _ conveyance of certified**
354 **development rights.**

355
356 (1) Conveyance of certified development rights authorized. Subject to the
357 requirements of this section, TDR certificates issued pursuant to SCC 30.35B.050 may
358 be sold or otherwise conveyed and held indefinitely before certified development rights
359 are applied to a receiving site pursuant to SCC 30.35B.080 through SCC 30.35B.120.

360 (2) Deed of transferable development rights required. TDR certificates issued
361 pursuant to SCC 30.35B.050 shall be sold or otherwise conveyed only by means of a
362 deed of transferable development rights meeting the requirements of this section.

363 (3) Recording of deed and notice of transfer. At the time a TDR certificate is
364 conveyed, the parties shall record the deed of transferable development rights
365 documenting the conveyance. The department shall review and approve the deed of
366 transferable development rights, subject to the requirements of this section, prior to its
367 recording. Costs associated with the recordation shall be paid by the seller.

368 (4) Contents of deed. The deed of transferable development rights required by
369 subsection 3 of this section shall specify the number of certified development rights sold
370 or otherwise conveyed and shall be on a form provided by the department and
371 approved the prosecuting attorney. The deed of transferable development rights must
372 include:

373 (a) A legal description and map of the sending site.

374 (b) The names of the transferor and the transferee.

375 (c) A covenant that the transferor grants and assigns to the transferee a specified
376 number of certified development rights from the sending site.

377 (d) Proof of ownership of the sending site by the transferor or, if the transferor is not
378 the owner of the sending site, a declaration that the transferor has either:

379 (i) sold the sending site but retained the TDR certificates issued for the sending site
380 pursuant to SCC 30.35B.050; or

381 (ii) obtained TDR certificates previously conveyed by an original deed of
382 transferable development rights, which shall be identified by date of execution, the
383 names of the original transferor and transferee, and the volume and page where it was
384 recorded with the auditor.

385 (e) A covenant by which the transferor acknowledges no further use or right of use
386 with respect to the certified development rights being conveyed.

387 (f) Certification of the number of certified development rights on the sending site and
388 copies of the TDR certificates issued by the department for the sending site pursuant to
389 SCC 30.35B.050.

390 (g) Proof of payment to the state of any required excise taxes and payment to the
391 county of recording fees for the transaction.

392 (h) Proof of the execution and recordation of a conservation easement on the
393 sending site, as required by SCC 30.35B.060.

394 (i) The signature of the department staff member(s) who have reviewed the deed for
395 completeness.

396
397 **30.35B.080 Reserved.**

398
399 **30.35B.090 Reserved.**

400
401 **30.35B.100 Reserved.**

402
403 **30.35B.110 Reserved.**

404
405 **30.35B.115 Transfer of development rights (TDR) - application of TDR**
406 **certificates to receiving sites and extinguishment of TDR certificates.**

407
408 (1) Application to a TDR receiving site. TDR certificates shall be considered applied
409 to a receiving site when a final decision has been made approving the receiving site
410 development activity for which the TDR certificates are provided.

411 (2) Effect of applying TDR certificates to a receiving site. TDR certificates that have
412 been applied to a receiving site pursuant to subsection 1 of this section shall be
413 considered void by the county and may not be applied to receiving sites pursuant to this
414 chapter; provided, however, that if a decision approving a receiving site development
415 activity is appealed, the TDR certificates provided in connection with that approval shall
416 not be considered void under this section unless the decision approving the
417 development activity is affirmed following the exhaustion of all administrative and
418 judicial appeals.

419 (3) TDR extinguishment document required. Upon application to a receiving site
420 pursuant to subsection 1 of this section, the applicant receiving approval of a receiving
421 site development activity shall provide a TDR extinguishment document to the
422 department. The TDR extinguishment document shall be on a form provided by the
423 department and shall include the serial number of each TDR certificate that has been
424 applied to a receiving site and the legal description of the receiving site to which the
425 certificate(s) have been applied.

426
427 **30.35B.120 Reserved.**

428
429 **30.35B.125 Transfer of development rights (TDR) - interlocal agreements for**
430 **incorporated TDR receiving areas.**

431 (1) Authorization. Subject to final approval by the county council, the county executive
432 is authorized to negotiate and execute interlocal agreements with cities providing for the
433 use of TDR certificates issued pursuant to this chapter in connection with development
434 approvals within incorporated TDR receiving areas designated or zoned by a city.
435 Execution of such agreements by the county shall be subject to the applicable
436 requirements of this chapter and the comprehensive plan.

437 (2) Substantive requirements. Interlocal agreements executed by the county pursuant
438 to subsection 1 of this section shall provide for the use of TDR certificates issued by the

439 county pursuant to SCC 30.35B.050 in connection with development applications within
440 TDR receiving areas following annexation. Such agreements shall also contain
441 additional provisions necessary to implement the comprehensive plan, including a
442 process by which the city shall provide TDR certificates and an associated TDR
443 extinguishment document to the county following transfer of the TDR certificates to an
444 incorporated receiving site consistent with the requirements of SCC 30.35B.115.

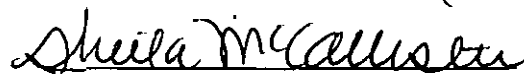
445 **Section 6. Severability and Savings.** If any section, sentence, clause or phrase
446 of this ordinance shall be held to be invalid or unconstitutional by the Growth
447 Management Hearings Board (Board), or a court of competent jurisdiction, such
448 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other
449 section, sentence, clause or phrase of this ordinance. Provided, however, that if any
450 section, sentence, clause or phrase of this ordinance is held to be invalid by the Board
451 or court of competent jurisdiction, then the section, sentence, clause or phrase in effect
452 prior to the effective date of this ordinance shall be in full force and effect for that
453 individual section, sentence, clause or phrase as if this ordinance had never been
454 adopted.

455 PASSED this 3rd day of June, 2009.

456
457 SNOHOMISH COUNTY COUNCIL
458 Snohomish County, Washington

459
460 
461 _____
462 Chairperson

463 ATTEST:

464 
465 _____
466 Asst. Clerk of the Council

467
468 APPROVED
469 EMERGENCY
470 VETOED

471
472 DATE: 6/8/09
473 
474 **MARK SOINE**
475 **Deputy Executive**
476 _____
477 Aaron Reardon
478 Snohomish County Executive

479 ATTEST:
480 
481 _____

482 Approved as to form only:

Deputy Prosecuting Attorney
ORDINANCE NO. 09-059
RELATING TO THE TRANSFER OF DEVELOPMENT
RIGHTS, AMENDING SNOHOMISH COUNTY
CODE (SCC) TO ADD A NEW CHAPTER 30.35B - 11

D-12