

1 ADOPTED: 06/26/19  
2 EFFECTIVE: 07/08/19

3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington

6  
7 ORDINANCE NO. 19-022

8  
9 RELATING TO GROWTH MANAGEMENT; REVISING REGULATIONS FOR  
10 EROSION HAZARD AREAS; AMENDING SECTIONS 30.62B.320 AND 30.62B.330 OF  
11 THE SNOHOMISH COUNTY CODE  
12

13 WHEREAS, the Growth Management Act, chapter 36.70A RCW (GMA), requires  
14 Snohomish County (the "County") to regulate land use and development within the  
15 County's jurisdiction; and

16  
17 WHEREAS, a channel migration zone (CMZ) is land adjacent to a current river  
18 channel that is at high risk of occupation by the channel within the next 100 years and is  
19 regulated as a geologically hazardous area; and

20  
21 WHEREAS, CMZs are often located in high-value recreational areas, by virtue of  
22 them being adjacent to rivers, and in Snohomish County those rivers are regional and  
23 national outdoor recreation assets, providing residents and visitors with opportunities for  
24 fishing, swimming, boating and bird watching and providing support for rural economies;  
25 and

26  
27 WHEREAS, on March 22, 2014, a catastrophic landslide took the lives of 43  
28 individuals and destroyed public and private property. Snohomish County Department  
29 of Parks & Recreation has been working with the victims, survivors and responders of  
30 the SR 530 landslide to develop a memorial to honor those who were lost, the survivors  
31 and response efforts; and

32  
33 WHEREAS, the land identified for this memorial is located in the Stillaguamish  
34 River CMZ, which is one of several CMZs in Snohomish County; and

35  
36 WHEREAS, the County's regulations currently discourage public access to  
37 shorelines in channel migration zones; and

38  
39 WHEREAS, numerous reports, state regulations, and policies strike a balance  
40 between expansion of public access to shorelines in channel migration zones and  
41 protecting the ecosystem; and

42  
43 WHEREAS, the Snohomish County Planning Commission ("Planning  
44 Commission") held a public hearing on March 26, 2019, to receive public testimony  
45 concerning the code amendments contained in this ordinance; and  
46

1 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the  
2 Planning Commission deliberated on the proposed code amendments and was unable  
3 to recommend adoption of the amendments contained in this ordinance, as shown in its  
4 non-recommendation letter dated April 5, 2019; and  
5

6 WHEREAS, on June 26, 2019, the Snohomish County Council (“County  
7 Council”) held a public hearing after proper notice, and considered public comment and  
8 the entire record related to the code amendments contained in this ordinance; and  
9

10 WHEREAS, following the public hearing, the County Council deliberated on the  
11 code amendments contained in this ordinance;  
12

13 NOW, THEREFORE, BE IT ORDAINED:  
14

15 Section 1. The County Council adopts the following findings in support of this  
16 ordinance:  
17

- 18 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
19
- 20 B. This ordinance will amend SCC 30.62B.330(3) to add a new exception to limitations  
21 on development in CMZs, allowing for the construction of public parks that create or  
22 preserve open space, provide access to shorelines of statewide significance, or  
23 provide passive recreation. A new subsection is added to SCC 30.62B.320 to  
24 restrict public park development or redevelopment in CMZs such that it may not  
25 include shoreline and bank stabilization and flood protection measures.  
26
- 27 C. In developing the proposed amendments, the County considered the goals of the  
28 GMA, specifically those goals related to urban growth, reducing sprawl, housing,  
29 open space and recreation, and the environment. The proposed amendments are  
30 consistent with and promote:  
31

- 32 1. GMA Goal 5 – “Economic Development. Encourage economic development  
33 throughout the state that is consistent with adopted comprehensive plans,  
34 promote economic opportunity for all citizens of this state, especially for  
35 unemployed and for disadvantaged persons, promote the retention and  
36 expansion of existing businesses and recruitment of new businesses, recognize  
37 regional differences impacting economic development opportunities, and  
38 encourage growth in areas experiencing insufficient economic growth, all within  
39 the capacities of the state's natural resources, public services, and public  
40 facilities.”  
41

42 The proposed amendments support economic development by increasing  
43 tourism and recreation opportunities within the Skykomish, Snohomish and  
44 Stillaguamish River Valleys.  
45

- 1 2. GMA Goal 6: “Property rights. Private property shall not be taken for public use  
2 without just compensation having been made. The property rights of landowners  
3 shall be protected from arbitrary and discriminatory actions.”  
4

5 The process outlined in the Washington State Attorney General’s September  
6 2018 “Advisory Memorandum: Avoiding Unconstitutional Takings of Private  
7 Property” was used by Snohomish County in objectively evaluating the  
8 regulatory changes proposed by this ordinance.  
9

- 10 3. GMA Goal 9 – “Open space and recreation. Retain open space, enhance  
11 recreational opportunities, conserve fish and wildlife habitat, increase access to  
12 natural resource lands and water, and develop parks and recreation facilities.”  
13

14 The proposed amendments will enhance open space and recreation  
15 opportunities and provide additional public access to shorelines of the state.  
16

- 17 4. GMA Goal 10 – “Environment. Protect the environment and enhance the state's  
18 high quality of life, including air and water quality, and the availability of water.”  
19

20 The proposed amendments provide flexibility to allow the County to develop  
21 park facilities that provide public access along rivers and streams while limiting  
22 built infrastructure to avoid or minimize impacts to the natural environment. Any  
23 development allowed by the proposed amendments would continue to be  
24 subject to all other applicable federal, state, and county regulations. For  
25 example, proposed park facilities located in the CMZ within shoreline jurisdiction  
26 and containing wetlands also would be subject to the County’s Shoreline  
27 Management Program (including chapters 30.44 and 30.67.SCC) and critical  
28 areas regulations (including chapters 30.62A and 30.62B SCC), ensuring the  
29 functions and values of shorelines, wetlands, and other critical areas will be  
30 preserved.  
31

- 32 5. GMA Goal 11 – “Citizen participation and coordination. Encourage the  
33 involvement of citizens in the planning process and ensure coordination between  
34 communities and jurisdictions to reconcile conflicts.”  
35

36 The proposed amendments have been distributed for public participation  
37 including to developers, conservationists, and park advocates. The proposal  
38 has been modified in response to comments from stakeholders.  
39

- 40 6. GMA Goal 13 – “Historic preservation. Identify and encourage the preservation  
41 of lands, sites, and structures, that have historical or archaeological  
42 significance.”  
43

44 The proposed amendments provide flexibility to allow the County to develop and  
45 preserve a historically significant property at the site of the 2014 SR 530  
46 landslide.

1  
2 7. GMA Goal 14 – Goals and policies of the Shoreline Management Act, chapter  
3 90.58 RCW.

4  
5 The proposed amendments implement the goals and policies of the Shoreline  
6 Management Act by providing flexibility to create additional public access to  
7 shorelines of the state while limiting the amount of built infrastructure to avoid or  
8 minimize impacts to the natural environment.  
9

- 10 D. The proposed amendments will better achieve, comply with, and implement goals  
11 and policies from the Puget Sound Regional Council’s Multicounty Planning Policies  
12 (MPPs), including the following Development Pattern (DP) policy:  
13

14 MPP-DP-29: “Protect and enhance significant open spaces, natural resources,  
15 and critical areas.”  
16

17 The proposed amendments provide flexibility to allow the County to develop  
18 park facilities that provide public access along rivers and streams but place  
19 limits to avoid or minimize impacts to the natural environment.  
20

- 21 E. The proposed amendments will better achieve, comply with, and implement the  
22 following policy contained in the Countywide Planning Policies:  
23

24 Env-4: “The County and cities should work with neighboring jurisdictions to  
25 identify and protect significant open space areas, natural resources, and critical  
26 areas through appropriate local policies, regulations or other mechanisms such  
27 as public acquisition, easements, voluntary agreements, or by supporting the  
28 efforts of conservation organizations.”  
29

30 The proposed amendments provide flexibility to allow the County to develop  
31 park facilities that provide public access along rivers and streams but place  
32 limits to avoid or minimize impacts to the natural environment.  
33

- 34 F. The proposed amendments will better achieve, comply with, and implement the  
35 following goals, objectives, and policies contained in the County’s GMA  
36 Comprehensive Plan (GMACP) - General Policy Plan (GPP):  
37

- 38 1. PR 4.A.4: “Acquire land and develop additional water access with a priority on  
39 providing saltwater access.”  
40

41 The proposed amendments provide flexibility to allow the County to provide  
42 public access along rivers and streams.  
43

- 44 2. PR 7.A.1: “Work with communities, historical organizations, and local tribes to  
45 identify culturally and historically significant properties appropriate for  
46 Snohomish County’s park system.”

1  
2 The proposed amendments provide flexibility to allow the County to develop a  
3 historically significant property at the site of the 2014 SR 530 landslide.

- 4  
5 3. PR 7.A.2: "Provide interpretive opportunities at parks when appropriate and  
6 feasible."

7  
8 The proposed amendments provide flexibility to allow the County to develop  
9 historically significant properties that include interpretive facilities.

- 10  
11 4. ED 6.B.2: "Snohomish County shall support ventures in resource tourism and  
12 outdoor recreation that are financially viable and environmentally responsible."

13  
14 The proposed amendments provide flexibility to allow the County to develop  
15 park facilities that provide public access along rivers and streams which can  
16 support outdoor recreation.

- 17  
18 5. Objective LU 10.C: "Preserve and enhance public access and recreational  
19 opportunities through the Shoreline Master Program."

20  
21 The proposed amendments provide flexibility to allow the County to develop  
22 park facilities that provide public access along rivers and streams.

- 23  
24 6. NE 3.E.5: "The County should only allow development in the channel migration  
25 zone that has a low risk to public health, safety and property."

26  
27 a. The activities proposed to be allowed in a CMZ would be developed  
28 and managed by the Snohomish County Parks & Recreation Department,  
29 and designed to promote public safety and environmentally responsible  
30 development.

31  
32 b. The activities proposed to be allowed within CMZs will attract  
33 primarily a transient daytime population where the amount of time spent  
34 within a CMZ may range from just a few minutes to several hours. All  
35 developed County parks include hours of operation, which further limit  
36 use. In campgrounds that might be located within a CMZ, campers will be  
37 limited to a maximum stay of two weeks under current County code and  
38 peak campground use typically occurs during the summer months, when  
39 rainfall is lower. Given that most channel migration occurs over years and  
40 decades, this limited duration of users' experiences within a CMZ poses a  
41 lower risk to public health and safety compared with residential,  
42 commercial, or industrial use of property within a CMZ.

43  
44 c. Channel migration can happen over the course of decades or  
45 centuries, or can occur due to relatively rapid flooding. Although flooding  
46 is rapid when compared to channel migration from gradual sediment

1 transfer, it is predictable. Flooding events are preceded by weather  
2 systems resulting in significant precipitation, and County park facilities can  
3 be evacuated and closed long before conditions deteriorate to where they  
4 are unsafe. Allowing the development of minimal facilities in CMZs would  
5 not pose a high risk to public health or safety.  
6

7 d. The amendments establish a threshold for impervious surface and  
8 limit building size and aggregate building square footage to minimize the  
9 impacts of development. These limitations will reduce overall land  
10 disturbance which can affect stream flow and channel erosion,  
11 contributing factors to channel migration and potential property and  
12 structure loss.  
13

14 e. The requirement to relocate structures if the ordinary high water  
15 mark of the river channel encroaches on such structures to within two  
16 years of average migration rate distance will further protect channel  
17 migration and water quality, by making certain manmade structures will  
18 neither impede channel migration nor erode into the river. These  
19 restrictions on development also will ensure the potential loss of financial  
20 investment in public parks remains low.  
21

#### 22 G. Procedural requirements.

- 23  
24 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with  
25 respect to this non-project action have been satisfied through the completion of  
26 an environmental checklist and the issuance of a determination of non-  
27 significance on February 14, 2019.  
28
- 29 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.  
30
- 31 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was  
32 transmitted to the Washington State Department of Commerce for distribution to  
33 state agencies on February 14, 2019.  
34
- 35 4. The public participation process used in the adoption of this ordinance has  
36 complied with all applicable requirements, including but not limited to, RCW  
37 36.70A.035 and .140, chapter 30.73 SCC, and the Snohomish County Charter.  
38
- 39 5. The Washington State Attorney General last issued an advisory memorandum,  
40 as required by RCW 36.70A.370, in September 2018, entitled "Advisory  
41 Memorandum and Recommended Process for Evaluating Proposed Regulatory  
42 or Administrative Actions to Avoid Unconstitutional Takings of Private Property"  
43 to help local governments avoid the unconstitutional taking of private property.  
44 The process outlined in the State Attorney General's 2018 advisory  
45 memorandum was used by Snohomish County in objectively evaluating the  
46 regulatory changes proposed by this ordinance.

1  
2 H. The proposed amendments are consistent with the record.  
3

- 4 1. The rivers in Snohomish County are a regional outdoor recreation draw,  
5 providing residents and visitors opportunities for fishing, swimming, floating,  
6 picnicking, geocaching, wildlife watching, and boating of all varieties, including  
7 motor boating, sea kayaking, canoeing, drifting, and whitewater rafting and  
8 kayaking. The Shoreline Management Act provides as a matter of policy that  
9 local jurisdictions should preserve and enhance public access or increase  
10 recreational opportunities for the public along shorelines. These amendments  
11 provide opportunities for limited development of County park facilities within  
12 CMZs that also are in shoreline jurisdiction, providing enhanced public access  
13 and recreational opportunities for the public along shorelines.  
14
- 15 2. The ordinance provides flexibility to allow a memorial to honor the victims and  
16 responders of the March 22, 2014, SR 530 slide. The memorial would highlight  
17 the timeline and geology of the event and the resilience of nature for those who  
18 come to learn and visit. The site is considered of historic value to Snohomish  
19 County, particularly to the Stillaguamish River Valley.  
20
- 21 3. This ordinance relies on best available science in establishing an impervious  
22 surface threshold of the lesser of 10 percent or two acres of a site area to  
23 minimize downstream impacts on channel migration. The science concludes  
24 limiting effective impervious surfaces to a maximum of 10 percent will preserve  
25 the functions and values of critical areas, and ensure that development does not  
26 impede channel migration processes.  
27
- 28 4. This ordinance limits total individual building square footage to 600 square feet  
29 and aggregate square footage to 2,400 square feet. With these limitations, future  
30 need for bank armoring to protect public investment is unlikely. Indeed, this  
31 ordinance prohibits shoreline and bank stabilization improvements for County  
32 parks constructed after March 26, 2019, to avoid interference with channel  
33 migration and minimize risk of downstream impacts. Structures less than 600  
34 square feet can easily be relocated or deconstructed if facing future channel  
35 migration, and are required to be removed if the ordinary high water mark of the  
36 river channel encroaches on such structures to within two years of average  
37 migration rate distance. Structures of a limited size also minimize risk of  
38 downstream impacts if lost to sudden channel migration from flooding.  
39
- 40 5. This ordinance provides flexibility to expand recreational opportunities in CMZs  
41 including fishing, swimming, floating, picnicking, geocaching, wildlife watching,  
42 and boating of all varieties, including motor boating, sea kayaking, canoeing,  
43 drifting, and whitewater rafting and kayaking and provides access to meet a  
44 growing demand for outdoor recreation. The County must balance the need for  
45 additional access to shorelines of the state with potential risk to public health,  
46 safety, and property. The benefits and rewards of providing increased access to

1 the County's rich natural resources, particularly given the County's growing and  
2 visiting populations, are supported by research. For example, one empirical  
3 study found evidence that immersion in the natural world heightens a sense of  
4 overall well-being and results in more positive engagement with the larger human  
5 community. Passmore, Holli-Anne and Holder, Mark D., *Noticing Nature:  
6 Individual and Social Benefits of a Two-Week Intervention*, Journal of Positive  
7 Psychology (2016). On balance, the proposed amendments greatly advance the  
8 goals of the GMA compared to the low risks associated with limited development  
9 in CMZs.

10  
11 6. This ordinance provides flexibility to expand recreational opportunities to provide  
12 important contributions to the rural economies of the Skykomish, Snohomish, and  
13 Stillaguamish River Valleys.

14  
15 I. The proposed amendments are consistent with the PDS Staff Report to the Planning  
16 Commission dated February 8, 2018 (actual date of report is February 8, 2019).

17  
18 Section 2. The County Council makes the following conclusions:

- 19  
20 1. The proposal is consistent with the goals, objectives, and policies of the GPP.  
21  
22 2. The proposal is consistent with Washington State law and the SCC.  
23  
24 3. The County has complied with all SEPA requirements with respect to this non-  
25 project action.  
26  
27 4. The regulations proposed by this ordinance do not result in an unconstitutional  
28 taking of private property for a public purpose.  
29

30 Section 3. The County Council bases its findings and conclusions on the entire  
31 record of the County Council, including all testimony and exhibits. Any finding, which  
32 should be deemed a conclusion, and any conclusion which should be deemed a finding,  
33 is hereby adopted as such.  
34

35 Section 4. Snohomish County Code Section 30.62B.320, last amended by  
36 Amended Ordinance No. 15-034 on September 2, 2015, is amended to read:  
37

38 **30.62B.320 General standards and requirements for erosion and landslide**  
39 **hazard areas.**  
40

41 (1) Any development activity, action requiring a project permit or clearing occurring  
42 in an erosion or landslide hazard area:

43 (a) Shall be designed to:

44 (i) Comply with the requirements in an approved geotechnical report when  
45 required pursuant to SCC 30.62B.140;



1 (ii) Utilize best management practices (BMPs) adopted by the department  
2 pursuant to chapter 30.63A SCC and all known and available reasonable  
3 technology (AKART) appropriate for compliance with this chapter;

4 (iii) Prevent collection, concentration or discharge of stormwater or  
5 groundwater within an erosion or landslide hazard area, except as otherwise  
6 provided in this chapter;

7 (iv) Minimize impervious surfaces and retain vegetation to minimize risk of  
8 erosion or landslide hazards; and

9 (b) Shall not:

10 (i) result in increased risk of property damage, death or injury;

11 (ii) cause or increase erosion or landslide hazard risk;

12 (iii) increase surface water discharge, sedimentation, slope instability,  
13 erosion or landslide potential to adjacent or downstream and down-drift  
14 properties beyond pre-development conditions; or

15 (iv) adversely impact wetlands, fish and wildlife habitat conservation areas or  
16 their buffers.

17 (2) For shoreline and bank stabilization and flood protection measures proposed  
18 in erosion or landslide hazard areas, the project proponent shall make all  
19 reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife  
20 habitat conservation areas and their buffers pursuant to the requirements of  
21 chapters 30.62A and 30.67 SCC, in the following sequential order of preference:

22 (a) Utilize setbacks sufficient to ensure that shoreline stabilization or flood  
23 hazard reduction measures will not be necessary to protect development for its  
24 projected design life, or;

25 (b) When sufficient setbacks are not possible, utilize other non-structural  
26 measures unless the applicant demonstrates through a geotechnical report  
27 required pursuant to SCC 30.62B.120 that new or enlarged structural  
28 stabilization or flood protection is necessary to protect:

29 (i) existing primary structures, water dependent structures and facilities, utilities,  
30 roads and bridges;

31 (ii) new utilities or public bridges and transportation structures allowed pursuant  
32 to SCC 30.62B.330(3);

33 (iii) agricultural land; or

34 (iv) projects where the sole purpose is to protect or restore wetlands, fish and  
35 wildlife habitat conservation areas or their buffers.

36 (3) Development or redevelopment in public parks or portions of public parks in  
37 channel migration zones after March 26, 2019, shall not include shoreline and bank  
38 stabilization and flood protection measures.

1 Section 5. Snohomish County Code Section 30.62B.330, last amended by  
2 Amended Ordinance No. 15-034 on September 2, 2015, is amended to read:

3  
4 **30.62B.330 Erosion hazard areas - Channel migration zones.**

5  
6 (1) This section establishes specific standards and requirements for development  
7 activities, actions requiring a project permit or clearing in channel migration zones  
8 adjacent to the following rivers:

9

10 River Name	River Sections (mi)
11 North Fork Skykomish River	0.00 – 8.64
12 North Fork Stillaguamish River	0.00 – 35.18
13 Pilchuck Creek	0.00 – 6.96
14 Pilchuck River	0.00 – 36.17
15 Sauk River	All
16 Skykomish River	0.00 – 29.15
17 Snohomish River & Sloughs	All
18 Snoqualmie River	0.00 – 5.41
19 South Fork Skykomish River	0.00 – 6.71
20 South Fork Stillaguamish River	0.00 – 43.07
21 Stillaguamish River & Sloughs	All
22 Sultan River	0.00 – 7.64
23 Wallace River	0.00 – 7.71

24  
25

26 (2) The department may require a channel migration zone study when a development  
27 activity or action requiring a project permit is proposed to occur in areas where evidence  
28 indicates channel migration is likely, in accordance with the following requirements:

29 (a) The study shall be conducted in accordance with Section 2 of the Forest  
30 Practices Board Manual (Title 222 WAC), Standard Methods for Identifying Bankfull  
31 Channel Features and Channel Migration Zones, November, 2004, except that areas  
32 behind natural or manmade features which limit channel migration that allow fish  
33 passage shall not be included in the channel migration zone;

34 (b) The study shall be performed under the direction of a qualified professional with  
35 experience in fluvial geomorphology or river hydraulics;

36 (c) The study shall contain the following:

37 (i) a determination of the presence of channel migration, and if present, the  
38 delineation of the channel migration zone;

39 (ii) an analysis of the impacts of potential channel migration on the proposed  
40 development activity; and

41 (iii) an analysis of the impacts of the proposed development activity on the channel  
42 migration zone.

43 (3) Channel Migration Zone (CMZ) standards and requirements.

44 ~~((a))~~ All development activities, actions requiring a project permit and clearing are  
45 prohibited in the channel migration zone, except as provided below~~((-))~~:

46 ~~((+))~~ (a) removal of hazardous trees;

- 1           ~~((iii))~~ (b) new utility facilities based on the following requirements;
- 2           ~~((A))~~ (i) pipelines shall be bored 10 feet beneath the thalweg scour depth of the
- 3 river within the CMZ;
- 4           ~~((B))~~ (ii) surface utilities such as power transmission lines shall be located away
- 5 from the current channel if feasible; and if not feasible, foundations within the CMZ shall
- 6 be designed as in-channel structures if determined by the department to be necessary;
- 7           ~~((iii))~~ (c) new public bridges and transportation structures when no other feasible
- 8 alternative exists or the alternative would result in unreasonable and disproportionate
- 9 costs;
- 10          ~~((iv))~~ (d) boat ramps;
- 11          ~~((v))~~ (e) normal maintenance or repair of existing flood control and bank
- 12 stabilization structures, buildings, roads, bridges and utilities;
- 13          ~~((vi))~~ (f) shoreline and bank stabilization and flood protection measures pursuant
- 14 to the general requirements contained SCC 30.62B.320(2);
- 15          ~~((vii))~~ (g) habitat restoration and enhancement projects; ~~((and))~~
- 16          ~~((viii))~~ (h) mitigation banks ~~((:))~~ ; and
- 17          (i) public parks intended to create or preserve open space, provide public access to
- 18 shorelines of statewide significance, or provide passive recreation opportunities. For
- 19 the purposes of this subsection, passive recreation may include, but is not limited to,
- 20 memorials, interpretive facilities, seasonal primitive camping, and soft surface trails, as
- 21 well as support infrastructure for those amenities, such as parking. All development
- 22 subject to this subsection shall meet the following specific performance standards and
- 23 be designed, to the greatest extent possible, to not inhibit channel migration:
- 24           (i) total impervious surface area shall not exceed the lesser of 10 percent of the
- 25 site area or two acres;
- 26           (ii) the maximum footprint of any individual building shall not exceed 600 square
- 27 feet, and the aggregate square footage of buildings on the site shall not exceed 2,400
- 28 square feet; and
- 29           (iii) improvements shall be removed or relocated if at any time the ordinary high
- 30 water mark of the river channel is within two years of the average migration rate
- 31 distance of such improvements.

32

33           Section 6. Severability and Savings. If any section, sentence, clause or phrase

34 of this ordinance shall be held to be invalid by the Growth Management Hearings Board

35 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or

36 unconstitutionality shall not affect the validity or constitutionality of any other section,

37 sentence, clause or phrase of this ordinance. Provided, however, that if any section,

38 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court

39 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to

40 the effective date of this ordinance shall be in full force and effect for that individual

41 section, sentence, clause or phrase as if this ordinance had never been adopted.

42

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1 PASSED this 26<sup>th</sup> day of June, 2019.

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SNOHOMISH COUNCIL  
Snohomish, Washington

/s/ Terry Ryan  
Council Chair

ATTEST:

/s/ Debbie Eco, CMC  
Clerk of the Council

- (X) APPROVED
- ( ) EMERGENCY
- ( ) VETOED

DATE: 06/28/19

/s/ Dave Somers  
County Executive

ATTEST:

/s/ Melissa Geraghty

Approved as to form only:

/s/ Laura Kisielius 05/01/19  
Deputy Prosecuting Attorney