

Adopted: December 15, 2004
Effective: March 15, 2005

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 04-123

RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS;
ADDING A NEW CODE CHAPTER 30.35A TO THE SNOHOMISH COUNTY
CODE (SCC); AMENDING SCC 30.21.025; AMENDING CHAPTER 30.86 SCC
TO ADD A NEW SECTION 30.86.135; AMENDING CHAPTER 30.91C SCC TO
ADD A NEW SECTION 30.91C.065; AMENDING CHAPTER 30.91R SCC TO
ADD NEW SECTIONS 30.91R.025 AND 30.91R.027; AMENDING CHAPTER
30.91S SCC TO ADD NEW SECTIONS 30.91S.125 AND 30.91S.127; AND
AMENDING CHAPTER 30.91T SCC TO ADD NEW SECTIONS 30.91T.063,
30.91T.065, AND 30.91T.067

WHEREAS, rapid growth rates and increasingly urban development patterns pose a threat to the viability of agricultural lands within Snohomish County; and

WHEREAS, jurisdictions planning under the Growth Management Act (GMA), chapter 36.70A RCW, are required to adopt comprehensive plans and development regulations which implement their comprehensive plans; and

WHEREAS, the Snohomish County General Policy Plan (GPP), an element of the County's GMA Comprehensive Plan (GMACP), establishes the policy foundation for the adoption of a Transfer of Development Rights (TDR) program to further the goal of preserving the County's agricultural lands; and

WHEREAS, Chapter 30.73 SCC authorizes the Snohomish County Council to amend the County's GMA development regulations following at least one public hearing before the Planning Commission and the County Council; and

WHEREAS, this ordinance adopts a new chapter, 30.35A SCC, of the SCC which implements the TDR policies contained in the GPP and amends existing code provisions to ensure consistency with the new TDR code chapter; and

WHEREAS, the Planning Commission held public hearings on August 24, 2004 to consider the entire record and hear testimony concerning a proposed TDR ordinance; and

WHEREAS, the County Council held a public hearing on December 15, 2004 to consider the entire record and hear testimony concerning the Planning Commission's recommendations, as well as proposed changes to the TDR ordinance developed by county staff following the Planning Commission's hearing.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Based on the entire record of testimony and exhibits, including all oral and written testimony before the Council and Planning Commission, the County Council incorporates the forgoing recitals as findings and conclusions and makes the following additional findings and conclusions:

- A. The purpose of TDR programs is to limit development in areas targeted for conservation, which are referred to as "sending areas," by transferring as development rights to areas more appropriate for development, which are referred to as "receiving areas." This purpose is achieved through regulations that allow sending area landowners to transfer or sell some or all of their "development rights" to either private developers, who may obtain development incentives in receiving areas, or to the local permitting authority, which may hold development rights for later resale. Because farmers are compensated for voluntarily imposing development restrictions on their land through recording of a conservation easement, TDR programs are widely viewed as a fair and equitable means of conserving farmland.
- B. The GMA authorizes and encourages jurisdictions to adopt TDR programs. See RCW 36.70A.090. By restricting development within designated sending areas, TDR programs can be used to help conserve natural resource lands and environmentally sensitive areas consistent with several goals and requirements of the GMA. See, e.g., RCW 36.70A.060(4); RCW 36.70A.020(8)-(10). By ensuring that landowners are compensated for additional restrictions, TDR programs also help to further the GMA goal of protecting property rights. See RCW 36.70A.020(6). Since the adoption of the GMA in 1990, several Washington jurisdictions have adopted TDR programs, including King County, Thurston County, Pierce County, Island County, Whatcom County, and several cities.
- C. Snohomish County's efforts to develop a TDR program began with the adoption of the Snohomish County Agricultural Preservation Plan in December 1982. The preservation plan encouraged the study of several innovative techniques, including TDR programs, for preventing the loss of agricultural lands to urbanization. On August 4, 1993, the County adopted the Interim Agricultural Conservation Plan, which reiterated the

recommendations of the 1982 plan and further concluded that the problems confronting agriculture in rapidly growing metropolitan areas like Snohomish County are different than those faced by outlying areas.

- D. Among the strategies recommended by the conservation plan was further study of several innovative techniques, including TDR programs, intended to prevent the loss of agricultural lands resulting from high rates of growth. Policy 4b of the conservation plan directed that plan and code amendments adopting such programs be prepared if the Council concluded, based on a feasibility study, that one or both of these options would be an effective means of conserving designated farmland. A consultant report was subsequently issued, entitled *Evaluation of the Feasibility of a TDR Program, Snohomish County, Washington*.
- E. GPP Policy LU 7.D.3, which was included in the GMACP adopted on June 28, 1995 by Amended Ordinance No. 94-125, required additional study concerning the feasibility of adopting a TDR program for Snohomish County. In 1997, a second consultant report was issued, entitled *Feasibility Assessment of TDR and/or PDR Programs to Preserve Natural Resource Lands in Snohomish County, Washington*.
- F. A more focused effort to develop a TDR pilot program followed the passage of Resolution 02-007, adopted by the County Council on March 6, 2002. That resolution expressed the shared intent of the County Council and County Executive to assess, within 90 days, the feasibility of establishing and implementing a TDR pilot program within the Stillaguamish River Valley located between Interstate 5 and the City of Arlington. On March 20, 2002, the Council passed Resolution 02-008, which reserved \$3,600,000 from the Conservation Futures Property Tax Fund, established by Chapter 4.14 SCC, for purpose of funding the TDR program.
- G. Pursuant to these legislative enactments, the County Executive began studying the possibility of adopting a TDR program using staff from the Department of Planning and Development Services, the Department of Parks and Recreation, and the Department of Public Works. Two consultants, the Cascade Land Conservancy and the CIC Valuation Group, were used for outreach to potential sending area landowners and receiving area developers, as well as market analysis for development rights in sending and receiving areas. The study process included a public meeting as well as the use of written surveys.
- H. The study process culminated in the issuance of the *TDR Pilot Program Feasibility Study, Preliminary Conclusions* on June 7, 2002, and the final *TDR Pilot Program Feasibility Study* on October 15, 2002. The study

concluded that adoption of a TDR program may be a viable means of furthering the strategy of preserving farmland and recommended a general process to be followed in the development of a TDR program.

- I. The Snohomish County Agricultural Advisory Board, by letter dated September 11, 2002, formally recommended that the County proceed with the establishment of the TDR pilot program and early action strategy. The Board recommended that efforts to acquire development rights should focus on farmland that is located within the 100-year floodplain, as well as farmland owned by individuals or families with a demonstrated long-term commitment to farming.
- J. Consistent with the feasibility study, the County Council passed Motion No. 02-473 on November 20, 2002, authorizing the County Executive to establish a TDR pilot program and early action strategy for implementing the program. That strategy included the development of plan and code amendments, including provisions for the creation of sending areas and receiving areas, requirements for easements and covenants, submittal requirements, and criteria for certifying development rights on sending areas, including options for transfer ratios. The strategy also included criteria for early action purchases of development rights based on several factors, including the willingness of farmers to sell development rights and their on-going commitment to farming.
- K. A policy framework for the County's TDR program was established by Ordinance No. 03-100, adopted on September 10, 2003, which amended the GMACP to provide general parameters for the program. See GPP Policies 7.E.1-7.E.7. Additionally, Ordinance No. 03-100 created a sending area land use designation and applied that designation, through amendments to the Future Land Use (FLU) Map, to the Stillaguamish River Valley.
- L. The TDR regulations and related code amendments adopted by this ordinance establish the basic operational requirements for certifying sending area development rights and for conducting county purchases and sales of certified development rights. Additional code amendments will be adopted to establish requirements for the creation of receiving areas and development incentives within receiving areas.
- M. The TDR regulations adopted by this ordinance are consistent with and implement the following GPP policies and objectives:
 1. GPP Objective LU 7.E, which authorizes the development and implementation of a TDR program to permanently preserve lands with countywide public benefit and reduce residential land capacity in

designated natural resource lands. The TDR program adopted by this ordinance furthers GPP Objective LU 7.E by conditioning the sale of development rights on the recording of a preservation easement, restricting development on sending area sites.

2. GPP Policy LU 7.E.1, which requires the adoption of operational requirements for a TDR program to be based on free market principles. The TDR regulations adopted by this ordinance implement GPP Policy 7.E.1 through basic operational requirements for the TDR program intended to create a free market in transferable development rights. Public purchases of certified development rights by the County are limited to the Stillaguamish River Valley, which is the sending area included in the TDR pilot program.
 3. GPP Policy LU 7.E.9, which requires the issuance of certificates documenting the number of development rights acquired from a sending site, the recording of deed restrictions documenting the acquisition, and notice on the sending area parcel. This ordinance implements GPP Policy 7.E.9 by establishing requirements for the issuance of TDR certificates, the recording of deeds, and notice on the title of sending area parcels.
 4. GPP Policy LU 7.E.10, which authorizes purchases and sales of certified development rights by the County as part of the TDR pilot program. This ordinance implements GPP Policy LU 7.E.10 by establishing requirements for purchases and sales of certified development rights by the County.
 5. GPP Policy LU 10.B.6, which commits the County to developing innovative programs, such as PDR or TDR, that will help to preserve open space, scenic resources, and shorelines. Consistent with the purpose of the TDR pilot program, the TDR regulations adopted by this ordinance will initially be applicable only to natural resource lands in the Stillaguamish River Valley, which is the only sending area currently designated by the FLUM. If the TDR program expands to include other areas, however, the regulations adopted by this ordinance can be amended to address other types of sending areas, which may include open space, scenic areas, and shorelines as contemplated by GPP Policy LU 10.B.6.
- N. The TDR regulations and related code amendments adopted by this ordinance are consistent with all other goals, objectives, and policies of the county's adopted GMA comprehensive plan, GMA development regulations, and CPPs.

- O. The TDR regulations and related code amendments adopted by this ordinance are consistent with all procedural and substantive requirements of the GMA.
- P. There has been early and continuous public participation in the review and adoption of this ordinance.
- Q. On August 12, 2004, the County issued Addendum No. 41 to the Final Environmental Impact Statement (EIS) for the Snohomish County GMAC, dated June 21, 1995. The addendum describes the code amendments adopted by this ordinance and expands upon previously identified alternatives, but does not substantially change the analysis of significant impacts identified in the County's existing environmental documents, which include: the Final EIS for the GMACP, the Draft EIS for the GMACP, which was issued on April 11, 1994, and Addendum No. 38 to Final EIS for the GMACP, which was issued on June 6, 2003. No additional significant environmental impacts beyond those identified in the original EIS are expected to occur.
- R. Environmental review conducted for this ordinance is consistent with the requirements of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and with the requirements of chapter 30.61 SCC.
- S. This ordinance is adopted pursuant to the Growth Management Act (GMA), chapter 36.70A RCW, the Snohomish County Charter, and the Washington State Constitution, art. XI, sec. 11.

Section 2. A new chapter is added to Title 30 SCC to read:

Chapter 30.35A

TRANSFER OF DEVELOPMENT RIGHTS

Sections:

- 30.35A.010 Transfer of development rights (TDR) – purpose and applicability.
- 30.35A.020 Transfer of development rights (TDR) – overview.
- 30.35A.030 Transfer of development rights (TDR) – sending sites.
- 30.35A.040 Transfer of development rights (TDR) – sending site calculations.
- 30.35A.050 Transfer of development rights (TDR) – certification of development rights and issuance of TDR certificates.
- 30.35A.060 Transfer of development rights (TDR) – conservation easement.
- 30.35A.070 Transfer of development rights (TDR) – conveyance of certified development rights.
- 30.35A.080 Reserved.
- 30.35A.090 Reserved.
- 30.35A.100 Reserved.

- 30.35A.110 Reserved.
- 30.35A.120 Reserved.
- 30.35A.130 Transfer of development rights (TDR) – purchase, holding and sale of certified development rights.
- 30.35A.140 Transfer of development rights (TDR) – TDR advisory committee.
- 30.35A.150 Transfer of development rights (TDR) – exemption from surplus provisions.

30.35A.010 Transfer of development rights (TDR) – purpose and applicability.

(1) Purpose. The purpose of this chapter is to establish a voluntary and incentive-based process, based on free market principles, for the transfer of development rights from one property to another in order to preserve lands with significant conservation values, including natural resource lands and open space, for the use and enjoyment of future generations. The transfer of development rights from one property to another is allowed in order to:

- (a) permanently preserve lands with countywide public benefit;
- (b) provide flexibility and better use of land and building techniques;
- (c) help preserve commercial farmlands designated as TDR sending areas by reducing residential development within such areas;
- (d) [RESERVED];
- (e) [RESERVED];
- (f) implement the goals, policies, and objectives of the countywide planning policies, the comprehensive plan, and the provisions of this chapter.

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

- (a) determining the number of certified development rights that a sending site is eligible to transfer based on the overall developable area of the site multiplied by a transfer ratio, which is intended to provide an incentive for use of the TDR program;
- (b) issuing TDR certificates reflecting the number certified development rights that a sending site is eligible to transfer;
- (c) conveying TDR certificates and recording conservation easements that restrict development on a sending site;
- (d) creating TDR receiving areas;
- (e) applying certified development rights to receiving sites and the extent of increased development allowed on receiving sites; and
- (f) purchase, holding and sale of certified development by the county.

30.35A.020 Transfer of development rights (TDR) – overview.

(1) Issuance and conveyance of TDR certificates. Subject to the requirements of this chapter, sending site owners may obtain from the department serially numbered TDR certificates reflecting the number of certified development rights that may be transferred from the sending site to a receiving area. The number of

certified development rights credited to a sending site is determined based on the overall developable area of the sending site. TDR certificates may be transferred pursuant to the requirements of this chapter.

(2) Grant of TDR conservation easement. TDR certificates may be issued in exchange for a conservation easement granted to the county pursuant to the requirements of this chapter. The TDR conservation easement is used to conserve, for agricultural use, the sending site for which TDRs are certified.

(3) Application of certified development rights to receiving areas. Subject to the requirements of this chapter, certified development rights, as reflected by properly issued TDR certificates, may be used to obtain development incentives within TDR receiving areas created pursuant to the requirements of this chapter.

(4) County purchase, holding and sale of certified development rights. Subject to the requirements of this chapter, the county may purchase certified development rights from the TDR Pilot Program sending area and hold those rights for subsequent resale.

30.35A.030 Transfer of development rights – sending sites.

In order for development rights to be certified for a sending site pursuant to SCC 30.35A.050 or transferred from a sending site pursuant to SCC 30.35A.080, all of the following requirements must be met:

(1) Location within a sending area required. The sending site must be located within a sending area designated on the future land use map and reflected on the official zoning map. However, the sending site need not include all land owned by the applicant within the sending area provided that all requirements of this section are met.

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

(3) Inclusion of substandard lots required. A sending site must include any lots that have substandard area under current zoning where such lots are adjacent to and contiguous with land included within the sending site and are owned by the sending site landowner.

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

(5) Code compliance required. If the sending site is the subject of code enforcement action by the county, the person upon whom a notice and order has been served pursuant to SCC 30.85.130 must resolve these violations, including any required abatement, restoration, or payment of civil penalties, before development rights for the sending site may be certified or transferred by a sending site landowner. This requirement may be waived at the discretion of the director where a proposal is in the public interest, provided that any outstanding code violations do not materially affect the agricultural production capability of the sending site and the person responsible for code compliance is making a good faith effort to resolve the violations. Waivers granted pursuant to this subsection

are solely for the purpose of TDR sending site eligibility and do not constitute a waiver of any county land use regulations or affect ongoing or future code enforcement actions related to the sending site.

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

30.35A.040 Transfer of development rights (TDR) — sending site calculations.

(1) Calculation for transfer purposes only. The determination of the number of certified development rights that a sending site is eligible to transfer pursuant to this section, including the determination of TDR net area pursuant to subsection 3 of this section and the application of a TDR transfer density pursuant to subsection 4 of this section, shall be valid for transfer purposes only and shall not entitle the sending site landowner to building permits or other development approvals.

(2) Number of certified development rights. The number of certified development rights that an unincorporated sending site is eligible to transfer shall be determined by multiplying the TDR net area for the sending site, as determined pursuant to subsection 3 of this section, by the TDR transfer density ratio established for the sending site zone in subsection 4 of this section. Any fractions that result from the calculation required by this subsection shall not be included in the final determination of total development rights available for transfer.

(3) TDR net area. For purposes of determining the number of certified development rights that a sending site can transfer pursuant to subsection 1 of this section, the sending site net area shall equal the area of the sending site minus the following:

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

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

(c) Any portion of the sending site that is delineated floodway on the flood insurance rate maps.

(4) TDR transfer density. For purposes of determining the number of certified development rights that a sending site is eligible to transfer pursuant to this section, the following transfer densities shall apply:

(a) A transfer density of 0.4 shall apply to sending sites located within the A-10 zone, computed as the base density of .1 dwelling unit per acre for the underlying zone multiplied by a transfer ratio of four.

(5) Legal lots. In lieu of the calculation provided under subsection 2 of this section, the sending site shall, at the request of the applicant, be credited one certified development right, multiplied by the transfer density provided under subsection 4 of this section, for every legal lot with an area of 12,500 square feet or more that existed on or before March 15, 2005, as recognized through the department administrative lot status process.

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

30.35A.050 Transfer of development rights (TDR) – certification of development rights and issuance of TDR certificates.

(1) TDR certification process. Subject to the requirements of this section, sending site landowners may obtain TDR certificates which can be transferred pursuant to SCC 30.35A.070 and used by receiving area landowners to obtain density bonuses pursuant to SCC 30.35A.080 through SCC 30.35A.120. The required process for obtaining TDR certificates is as follows:

(a) Following application for TDR certificates by the sending site owner pursuant to subsection 2 of this section, the department shall issue a TDR certificate letter of intent. The letter shall contain a determination of the number of development rights calculated for the sending site pursuant to SCC 30.35A.040 and an agreement by the department to issue a corresponding number of TDR certificates in exchange for a sending site conservation easement granted to the county by the sending site owner pursuant to SCC 30.35A.060. The sending site owner may use the TDR certificate letter of intent to market sending site development rights to potential purchasers, but the certificate letter of intent shall have no value and cannot be transferred or used to obtain increased development rights within receiving areas.

(b) As provided by the TDR certificate letter of intent, the department shall issue serially numbered TDR certificates to the sending site owner upon acceptance of a conservation easement pursuant to the requirements of SCC 30.35A.060; provided, however, that the department shall have 14 days from the date the conservation easement is offered by the sending site owner in which to conduct, at its discretion, a review of the sending site permit file and/or a site inspection. If, based on such a review, the department determines that conditions on the sending site are materially different than those documented in the information provided to the department pursuant to

subsection 2 of this section, the department shall reject the conservation easement and the TDR certificate letter of intent shall be null and void. Where a TDR certificate has been determined to be null and void pursuant to this subsection, a sending site owner may reapply for TDR certificates and such reapplications shall be subject to the requirements of this section.

(2) Application for TDR certificates. In order to obtain TDR certificates pursuant to subsection 1 of this section, the sending site owner(s) must submit an application for TDR certificates. The department shall use the application to determine whether the sending site meets the requirements of SCC 30.35A.030 and, if so, the number of certified development rights that the sending site is eligible to transfer pursuant to SCC 30.35A.040. The application shall include all of the following:

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

(b) The following documents, which shall be used as the basis for determining net area pursuant to SCC 30.35A.040(3):

(i) If the sending site consists of one or more undivided tax parcels, the applicant(s) shall provide either official records from the Snohomish County Assessor or a survey that has been prepared and stamped by a surveyor licensed in the state of Washington.

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

(iii) If the sending site consists of one or more tax parcels that are divided by a zoning boundary, the applicant(s) shall provide official copies of the quasi-judicial decision, administrative approval, or legislative enactment establishing the zoning boundary for each parcel.

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

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

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

(d) A declaration by the applicant(s) stating that the sending site for which TDR certificates are sought contains only undivided legal lots, as required by SCC 30.35A.030(2).

(e) A declaration by the applicant(s), pursuant to SCC 30.35A.030(3), stating that the sending site is not adjacent to any lot that has substandard

area under current zoning and is held in common ownership with the sending site.

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

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

(h) A review fee pursuant to SCC 30.86.135.

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

30.35A.060 Transfer of development rights (TDR) – conservation easement.

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

(2) Acceptance and recording of TDR conservation easement. Subject to the restrictions of SCC 30.35A.050(1)(b), the director shall accept and sign on behalf of the county a conservation easement offered by a sending site owner in exchange for TDR certificates following issuance of a TDR certificate letter of intent; provided, however, that the easement meets the requirements set forth in subsection 3 of this section. Following acceptance of a conservation easement by the director, the department shall record the easement with the county auditor.

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

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

(b) A legal description of the sending site.

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

(d) A covenant prohibiting the construction of all single family or other residential, commercial, or industrial structures except for those dwellings, if any, that were proposed in the documentation submitted to the department pursuant to SCC 30.35A.050(2)(v). The covenant shall allow accessory and temporary dwelling units that are subservient to existing or proposed single family or other residential dwellings.

(e) A covenant prohibiting all uses that impair or diminish the agricultural use of the land.

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

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

(h) Where certified development rights are being purchased by the county, any provisions that are required by applicable federal or state grants.

(i) Additional provisions that are reasonably necessary for the enforcement and administration of the conservation easement as determined by the director, including a covenant granting the county a right of entry, subject to reasonable advance notice, to conduct brief inspections for the sole purpose of determining compliance with the requirements of the easement.

30.35A.070 Transfer of development rights (TDR) – conveyance of certified development rights.

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

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

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

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

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

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

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

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

- (i) sold the sending site but retained the TDR certificates issued for the sending site pursuant to SCC 30.35.050; or
- (ii) obtained TDR certificates previously conveyed by an original deed of transferable development rights, which shall be identified by date of execution, the names of the original transferor and transferee, and the volume and page where it was recorded with the auditor.
- (e) A covenant by which the transferor acknowledges no further use or right of use with respect to the certified development rights being conveyed.
- (f) Certification of the number of certified development rights on the sending site and copies of the TDR certificates issued by the department for the sending site pursuant to SCC 30.35A.050.
- (g) Proof of payment to the state of any required excise taxes and payment to the county of recording fees for the transaction.
- (h) Proof of the execution and recordation of a conservation easement on the sending site, as required by SCC 30.35A.060.
- (i) The signature of the department staff member(s) who have reviewed the deed for completeness.

30.35A.080 Reserved.

30.35A.090 Reserved.

30.35A.100 Reserved.

30.35A.110 Reserved.

30.35A.120 Reserved.

30.35A.130 Transfer of development rights (TDR) – purchase, holding, and sale of certified development rights.

(1) Authorization. The county may from time to time buy, hold, and sell certified development rights in accordance with the requirements of this chapter.

(2) Purchase of certified development rights. The county may, at its discretion, publish requests for proposals to purchase certified development rights from landowners of sending sites located within the TDR pilot program sending area. Requests for proposals shall be published in a newspaper of general circulation at least thirty days prior to the last date upon which proposals shall be accepted. The request shall state the requirements for submitting proposals, including the deadline for submission, the name and address of the county contact person, the proposed sale price, and any additional information required to be included in the proposal. Proposals received by the county in response to such requests shall be reviewed by the TDR advisory committee pursuant to SCC 30.35A.140, and the department shall present the committee's recommendations concerning the proposals to the county council. Subject to authorization by the county council,

the purchase of certified development rights shall be conducted by the county executive consistent with the requirements of this chapter.

(3) Holding certified development rights. Certified development rights acquired by the county shall be deposited into and held in a TDR fund, established by ordinance.

(4) Sale of certified development rights. The sale of certified development rights shall be conducted by the county executive, or his or her designee, and shall be subject to the following requirements:

(a) The sale price shall equal or exceed the fair market value of the certified development rights, as determined based on prevailing market conditions.

(b) Sales shall occur through a competitive process, which shall be subject to the following requirements:

(i) A request for proposal to purchase certified development rights from the county shall be published in a newspaper of general circulation at least fourteen days before the last day upon which proposals shall be received. The request for proposal shall identify the number of certified development rights to be sold and the evaluation factors, including a minimum sale price, which shall be established by the county executive to evaluate proposals.

(ii) The request for proposal shall require that all proposals be in writing and state the number of certified development rights to be purchased.

(iii) All sales shall be made to the highest qualified bidder, provided that no offers below fair market value shall be accepted. The municipality may reject any and all proposals for good cause and request new proposals.

(c) Payment for purchase of certified development rights from the county shall be made in full at the time the certified development rights are sold, unless, at the discretion of the administrator of the property management division, payment is secured by an irrevocable letter of credit or other security.

(d) The proceeds from sales of certified development rights shall be deposited into a TDR fund, established by ordinance.

(5) Exempt purchases. The provisions of this section do not apply to the purchase of properties from sending areas listed in Attachment A to the "Cooperative Agreement between the United States of America Commodity Credit Corporation and Snohomish County for the Farm and Ranch Lands Protection Program," dated September 24, 2003.

30.35A.140 Transfer of development rights (TDR) – TDR advisory committee.

(1) Establishment, composition and terms of TDR advisory committee. The TDR advisory committee is hereby established pursuant to SCC 2.03.090. The committee shall be subject to the following requirements:

- (a) The committee shall consist of five members selected as follows:
- (i) Position 1: a resident of the Stillaguamish River valley who is engaged in some aspect of commercial agriculture.
 - (ii) Position 2: a member of the Snohomish County Agricultural Advisory Board who is also engaged in some aspect of commercial agriculture.
 - (iii) Position 3: a representative from the Snohomish Conservation District who is also engaged in some aspect of commercial agriculture.
 - (iv) Position 4: a representative from the Snohomish County Farm Bureau who is also engaged in some aspect of commercial agriculture.
 - (v) Position 5: one of the following as determined by the county executive: the director of the parks department, or his or her designee, the director of the department of parks, or his or her designee, or the director of the department of planning and development services, or his or her designee.

(b) Positions 1-4 shall be appointed by the county council consistent with the requirements of chapter 2.03 SCC, with terms as follows: members of odd-numbered positions shall serve an initial term of three years and terms of two years thereafter, and members of the even-numbered positions shall serve an initial term of two-years and terms of two years thereafter. Members of positions 1-4 shall serve no more than two consecutive terms. Position 5 shall not be subject to term limits.

(2) Purpose. The purpose of the TDR advisory committee is to review, pursuant to SCC 30.35A.130(2), proposals for the county to purchase certified development rights from sending sites located within the TDR pilot program sending area and to provide recommendations to the department concerning which proposals should be accepted in order of priority based on the review criteria set forth in subsection 3(b) of this section.

(3) Duties. The duties of the TDR advisory committee are as follows:

(a) The committee shall meet at least once every six months, or more frequently if necessary, to review proposals to purchase certified development rights received by the county pursuant to SCC 30.35A.130(2); provided, however, that such meetings shall not be required if no requests to purchase certified development rights have been received. The committee may, at its discretion, invite individuals or groups who submitted proposals pursuant to SCC 30.35A.130(2) to attend committee meetings in order to make a presentation or answer questions about a proposal.

(b) Following one or more meetings held pursuant to subsection 3(a) of this section, the committee shall provide the department with its recommendations, by priority, for the purchase of certified development rights received by the county pursuant to SCC 30.35A.130(2). The committee shall base its recommendations on consideration of the following factors:

- (i) location of the sending site within the TDR pilot program sending area, as required by SCC 30.35A.130(2);

(ii) the extent to which the sending site has been used for commercial production of agriculture within the preceding five years and the extent to which the sending site owner(s) relied upon income from farming the sending site for their livelihood;

(iii) the likelihood that development on or near the sending site will occur in the near future, as evidenced by overall market trends in the area of the sending site;

(iv) the number of residential dwelling units or other structures, if any, intended to be built on the sending site, as documented in the application for TDR certificates provided to the department pursuant to SCC 30.35A.050(2);

(v) the extent to which conservation of the sending site will further the creation of a contiguous pattern of agricultural land conservation.

(vi) the extent to which restricting development on the sending site would further the agricultural conservation goals and objectives of the Snohomish County General Policy Plan; and

(vii) the likelihood that the sending site will be used for some aspect of commercial agricultural in the future.

(c) The committee may develop more specific evaluation criteria in order to complete its recommendation under SCC 30.35A.140(3)(b) as long as the criteria are consistent with the factors contained in SCC 30.35A.140(3)(b)(i)-(vii).

(d) The committee shall select a chairperson.

(4) Staff support. The department shall provide staff support to the TDR advisory committee. Staff duties include, but are not limited to, assisting the committee in reserving meeting rooms, reviewing proposals and drafting written recommendations reflecting the committee's review of proposals under subsection 3(b) of this section.

30.35A.150 Transfer of development rights (TDR) – sales exempt from surplus provisions.

The sale of certified development rights by the Snohomish County may be completed consistent with its needs and in accordance with the requirements of this chapter. Such sales are exempt from the real and personal property provisions of chapter 4.46 SCC relating to surplus property.

Section 3. Snohomish County Code Section 30.21.025, last amended on September 10, 2003 by Ordinance No. 03-099, is AMENDED to read:

30.21.025 Intent of zones.

This section describes the intent of each use zone. Snohomish County's use zones are categorized and implemented consistent with the comprehensive plan. The comprehensive plan establishes guidelines to determine compatibility and location of use zones. The intent of each zone is established pursuant to SCC Table 30.21.020 and is set forth below in SCC 30.21.025(1) - (4).

(1) **Urban Zones.** The urban zones category consists of residential, commercial, and industrial zoning classifications in Urban Growth Areas (UGAs) located outside of cities in unincorporated Snohomish County. These areas are either already characterized by, or are planned for, urban growth consistent with the comprehensive plan.

(a) **Single Family Residential.** The intent and function of single family residential zones is to provide for predominantly single family residential development that achieves a minimum net density of four dwelling units per net acre. These zones may be used as holding zones for properties that are designated urban medium-density residential, urban high-density residential, urban commercial, urban industrial, public/institutional use (P/IU), or other land uses in the comprehensive plan. The official Snohomish County zoning maps prepared pursuant to SCC 30.21.030 shall use the suffix "P/IU" to indicate all areas in which these zones implement the P/IU designation (e.g., R-7,200-P/IU). Single family residential zones consist of the following:

- (i) Residential 7,200 sq. ft. (R-7,200);
- (ii) Residential 8,400 sq. ft. (R-8,400); and
- (iii) Residential 9,600 sq. ft. (R-9,600).

(b) **Multiple Family Residential.** Multiple family residential zones provide for predominantly apartment and townhouse development in designated medium- and high-density residential locations. Multiple family residential zones consist of the following:

(i) Townhouse (T). The intent and function of the townhouse zone is to:

(A) provide for single family dwellings, both attached and detached, or different styles, sizes, and prices at urban densities greater than those for strictly single family detached development, but less than multifamily development;

(B) provide a flexible tool for development of physically suitable, skipped-over or under-used lands in urban areas without adversely affecting adjacent development; and

(C) provide design standards and review which recognize the special characteristics of townhouses, to ensure the development of well-planned communities, and to ensure the compatibility of such housing developments with adjacent, existing, and planned uses. Townhouses are intended to serve the housing needs of a variety of housing consumers and producers. Therefore, townhouses may be built for renter occupancy of units on a site under single ownership, owner agreements pursuant to chapters 64.32 or 64.34 RCW, or owner or renter occupancy of separately conveyed units on individual lots created through formal subdivision pursuant to chapter 58.17 RCW;

(ii) Low-Density Multiple Residential (LDMR). The intent and function of the low-density multiple residential zone is to provide a variety of low-density, multifamily housing including townhouses, multifamily structures, and attached or detached homes on small lots; and

(iii) Multiple Residential (MR). The intent and function of the multiple residential zone is to provide for high-density development, including townhouses and multifamily structures generally near other high-intensity land uses.

(c) **Commercial.** The commercial zones provide for neighborhood, community and urban center commercial, and mixed use developments that offer a range of retail, office, personal service and wholesale uses. Commercial zones consist of the following:

(i) Neighborhood Business (NB). The intent and function of the neighborhood business zone is to provide for local facilities that serve the everyday needs of the surrounding neighborhood, rather than the larger surrounding community;

(ii) Planned Community Business (PCB). The intent and function of the planned community business zone is to provide for community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, or natural site and environmental conditions while minimizing impacts upon these elements through the establishment of performance criteria. Performance criteria for this zone are intended to control external as well as internal effects of commercial development. It is the goal of this zone to discourage "piecemeal" and strip development by encouraging development under unified control;

(iii) Community Business (CB). The intent and function of the community business zone is to provide for businesses and services designed to serve the needs of several neighborhoods;

(iv) General Commercial (GC). The intent and function of the general commercial zone is to provide for a wide variety of retail and nonretail commercial and business uses. General commercial sites are auto-oriented as opposed to pedestrian- or neighborhood- oriented;

(v) Freeway Service (FS). The intent and function of the freeway service zone is to provide for needed freeway commercial facilities in the vicinity of on/off ramp frontages and access roads of limited access highways with a minimum of traffic congestion in the vicinity of the ramp. Allowed uses are limited to commercial establishments dependent upon highway users. Certain performance standards, subject to hearing examiner review, are contained in chapter 30.31B SCC to protect freeway design;

(vi) Business Park (BP). The intent and function of the business park zone is to provide for those business/industrial uses of a professional office, wholesale and manufacturing nature which are capable of being constructed, maintained, and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial, or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; many business/industrial uses otherwise provided for in the zoning code will not be suited to the BP zone due to an inability to comply with its provisions and achieve compatibility with surrounding uses;

(vii) Light Industrial (LI). The intent and function of the light industrial zone is to promote, protect, and provide for light industrial uses while also maintaining compatibility with adjacent nonindustrial areas;

(viii) Heavy Industrial (HI). The intent and function of the heavy industrial zone is to promote, protect, and provide for heavy industrial uses while also maintaining compatibility with adjacent nonindustrial areas; and

(ix) Industrial Park (IP/PIP). The intent and function of the industrial park and planned industrial park zones is to provide for heavy and light industrial development under controls to protect the higher uses of land and to stabilize property values primarily in those areas in close proximity to residential or other less intensive development. The IP and remaining Planned Industrial Park (PIP) zones are designed to ensure compatibility between industrial uses in industrial centers and thereby maintain the attractiveness of such centers for both existing and potential users and the surrounding community. Vacant/undeveloped land which is currently zoned PIP shall be developed pursuant to industrial park zone regulations (chapter 30.31A SCC).

(d) **Industrial Zones.** The industrial zones provide for a range of industrial and manufacturing uses and limited commercial and other nonindustrial uses necessary for the convenience of industrial activities. Industrial zones consist of the following:

(i) Business Park (BP). See description under SCC 30.21.025(1)(c)(vi);

(ii) Light Industrial (LI). See description under SCC 30.21.025(1)(c)(vii);

(iii) Heavy Industrial (HI). See description under SCC 30.21.025(1)(c)(viii); and

(iv) Industrial Park (IP). See description under SCC 30.21.025(1)(c)(ix).

(2) **Rural Zones.** The rural zones category consists of zoning classifications applied to lands located outside UGAs that are not designated as agricultural or forest lands of long-term commercial significance. These lands have existing or planned rural services and facilities, and rural fire and police protection services. Rural zones may be used as holding zones for properties that are primarily a transition area within UGAs on steep slopes adjacent to non-UGA lands designated rural or agriculture by the comprehensive plan. Rural zones consist of the following:

(a) **Rural Diversification (RD).** The intent and function of the rural diversification zone is to provide for the orderly use and development of the most isolated, outlying rural areas of the county and at the same time allow sufficient flexibility so that traditional rural land uses and activities can continue. These areas characteristically have only rudimentary public services and facilities, steep slopes and other natural conditions, which discourage intense development, and a resident population, which forms an extremely rural and undeveloped environment. The resident population of these areas is small and highly dispersed. The zone is intended to protect, maintain, and encourage traditional

and appropriate rural land uses, particularly those which allow residents to earn a satisfactory living on their own land. The following guidelines apply:

(i) a minimum of restrictions shall be placed on traditional and appropriate rural land uses;

(ii) the rural character of these outlying areas will be protected by carefully regulating the size, location, design, and timing of large-scale, intensive land use development; and

(iii) large residential lots shall be required with the intent of preserving a desirable rural lifestyle as well as preventing intensive urban- and suburban-density development, while also protecting the quality of ground and surface water supplies and other natural resources;

(b) **Rural Resource Transition – 10 Acre (RRT-10).** The intent and function of the rural resource transition - 10 acre zone is to implement the rural residential-10 (resource transition) designation and policies in the comprehensive plan, which identify and designate rural lands with forestry resource values as a transition between designated forest lands and rural lands;

(c) **Rural-5 Acre (R-5).** The intent and function of the rural-5 acre zone is to maintain rural character in areas that lack urban services;

(d) **Rural Business (RB).** The intent and function of the rural business zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural population outside established UGAs. This zone is to be implemented as a “floating zone” and will be located where consistent with specific locational criteria. The rural business zone permits small-scale retail sales and services located along county roads on small parcels that serve the immediate rural residential population, and at least one mile from an existing UGA boundary and two and one-half miles from an existing rural business, rural freeway service or rural industrial zone, or commercial designation in the rural area. Rural businesses, which serve the immediate rural population, may be located at crossroads of county roads, state routes, and major arterials;

(e) **Clearview Rural Commercial (CRC).** The intent and function of the CRC zone is to permit the location of commercial businesses and services that primarily serve the rural population within the defined boundary established by the CRC land use designation. Uses and development are limited to those compatible with existing rural uses that do not require urban utilities and services.

(f) **Rural Freeway Service (RFS).** The intent and function of the rural freeway service zone is to permit the location of small-scale, freeway-oriented commercial services in the vicinity of on/off ramp frontages and access roads of interstate highways in areas outside a designated UGA boundary and within rural areas of the county. Permitted uses are limited to commercial establishments dependent upon highway users; and

(g) **Rural Industrial (RI).** The intent and function of the rural industrial zone is to provide for small-scale light industrial, light manufacturing, recycling, mineral processing, and resource-based goods production uses that are

compatible with rural character and do not require an urban level of utilities and services.

(3) **Resource Zones.** The resource zones category consists of zoning classifications that conserve and protect lands useful for agriculture, forestry, or mineral extraction or lands which have long-term commercial significance for these uses. Resource zones consist of the following:

(a) **Forestry (F).** The intent and function of the forestry zone is to conserve and protect forest lands for long-term forestry and related uses. Forest lands are normally large tracts under one ownership and located in areas outside UGAs and away from residential and intense recreational use;

(b) **Forestry and Recreation (F&R).** The intent and function of the forestry and recreation zone is to provide for the development and use of forest land for the production of forest products as well as certain other compatible uses such as recreation and to protect publicly-owned parks in UGAs;

(c) **Agriculture-10 Acre (A-10).** The intent and function of the agriculture-10 acre zone is to preserve those portions of the county which contain prime farmland for agricultural purposes. The A-10 zone may be used to implement the following comprehensive plan land use designations: Rural Residential-10, Riverway Commercial Farmland, Upland Commercial Farmland, Local Commercial Farmland, and TDR Sending Area. The official Snohomish County zoning maps prepared pursuant to SCC 30.21.030 shall use the suffix "SA" to indicate all areas in which the A-10 zone is used to implement the TDR Sending Area land use designation (e.g., A-10-SA). Since those portions of the county containing the proper combination of soil and topographical characteristics for intense agricultural development are limited and irreplaceable, the prime function of this zone will be to establish the proper area standards and permitted uses which will encourage the use and preservation of this land for agricultural purposes; and

(d) **Mineral Conservation (MC).** The intent and function of the mineral conservation zone is to comprehensively regulate excavations within Snohomish County. The zone is designed to accomplish the following:

(i) preserve certain areas of the county which contain minerals of commercial quality and quantity for mineral conservation purposes and to prevent incompatible land use development prior to the extraction of such minerals and materials and to prevent loss forever of such natural resources;

(ii) preserve the goals and objectives of the comprehensive plan by setting certain guidelines and standards for location of zones and under temporary, small-scale conditions to permit other locations by conditional use permit;

(iii) permit the necessary processing and conversion of such material and minerals to marketable products;

(iv) provide for protection of the surrounding neighborhood, ecological and aesthetic values, by enforcing controls for buffering and for manner and method of operation; and

(v) preserve the ultimate suitability of the land from which natural deposits are extracted for rezones and land usages consistent with the goals and objectives of the comprehensive plan.

(4) **Other Zones:** The other zones category consists of existing zoning classifications that are no longer primary implementing zones but may be used in special circumstances due to topography, natural features, or the presence of extensive critical areas. Other zones consist of the following:

- (a) Suburban Agriculture-1 Acre (SA-1);
- (b) Rural Conservation (RC);
- (c) Rural Use (RU);
- (d) Residential 20,000 sq. ft. (R-20,000);
- (e) Residential 12, 500 sq. ft. (R-12,500); and
- (f) Waterfront beach (WFB).

Section 4. A new section is added to Chapter 30.86 SCC to read:

Table 30.86.135 – TDR FEES

| Activity | Fees |
|---|-------|
| Processing and review of application for TDR certificates and issuance of TDR certificate letter of intent pursuant to SCC 30.35A.050(1)(a) | \$600 |
| Issuance of TDR certificates pursuant to SCC 30.35A.050(1)(b) | \$150 |
| Review of conservation easement pursuant to SCC 30.35A.060(3) | \$250 |
| Review of deed of transferable development rights pursuant to SCC 30.35A.070(3) | \$150 |
| Site inspection pursuant to SCC 30.35A.050(1)(b) | \$250 |

Section 5. A new section is added to Chapter 30.91C SCC to read:

30.91C.065 “Certified development rights” means transferable development rights which have been certified pursuant to SCC 30.35A.050, as reflected by properly issued TDR certificates. The term applies solely to the TDR program, as codified at chapter 30.35A SCC, and does not imply a right to building permits or other development approvals.

Section 6. A new section is added to Chapter 30.91R SCC to read:

30.91R.025 “Receiving area” means an area that has been zoned as a TDR receiving area pursuant to chapter 30.35A SCC and is eligible to receive certified development rights from TDR sending sites.

Section 7. A new section is added to Chapter 30.91R SCC to read:

30.91R.027 “Receiving site” means a site located within a receiving area that meets the requirements of chapter 30.35A SCC for participation in the TDR program.

Section 8. A new section is added to Chapter 30.91S SCC to read:

30.91S.125 “Sending area” means land designated as a TDR sending area on the future land use map and located within a zone used to implement the sending area designation, as indicated on the official zoning map through the suffix “SA.”

Section 9. A new section is added to Chapter 30.91S SCC to read:

30.91S.127 “Sending site” means a site that is located within a TDR sending area and meets the requirements of SCC 30.35A.030 for participation in the TDR program.

Section 10. A new section is added to Chapter 30.91T SCC to read:

30.91T.063 “Transfer of development rights” or “TDR” means, in general, the process established by chapter 30.35A SCC for transferring certified development rights from a sending site to a receiving site. “TDR” is sometimes used as an adjective to denote relation to the TDR program, as in “TDR certificates,” “TDR program,” “TDR receiving area,” and “TDR sending area.”

Section 11. A new section is added to Chapter 30.91T SCC to read:

30.91T.065 “TDR pilot program” refers to a program developed by the County pursuant to Motion No. 02-473 for the purpose of acquiring development rights from farmland in the Stillaguamish River Valley through implementation of a TDR program. For purposes of chapter 30.35A SCC, the TDR pilot program began on November 20, 2002, the date the county council passed Motion 02-473, and terminates on December 31, 2008 unless extended by council action.

Section 12. A new section is added to Chapter 30.91T SCC to read:

30.91T.067 “TDR pilot program sending area(s)” or “TDR pilot program sending site(s)” refers to land included in the portion of the Stillaguamish River

Valley that was designated a TDR sending area by section 4 of Ordinance No. 03-100, adopted on September 10, 2003.

Section 13. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 14. The effective date of this ordinance shall be March 15, 2005.

PASSED this 15th day of December, 2004.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

John Koster
Chairperson

ATTEST:

Sheila McCallister
Asst. Clerk of the Council

() APPROVED
() EMERGENCY
() VETOED

DATE: 1/3/05

Aaron Reardon
Snohomish County Executive

ATTEST: Connie Mennie

Approved as to form only:

Brent D. Lloyd, Deputy Prosecuting Attorney