



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-042

File ID:	AB2019-042	Version:	1	Status:	Adopted
File Created:	01/07/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:	County Council Office	File Type:	Ordinance		
First Assigned to:	Council				
Agenda Date:	01/15/2019	Next Mtg. Date:		Hearing Date:	

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 16.20, Whatcom County Shellfish Protection Districts

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance extends the sunset date for the Drayton Harbor, Portage Bay, and Birch Bay Shellfish Protection Districts to December 31, 2022. The four year extension matches term lengths for advisory committee members. Public Works - Natural Resources staff recommends the continuation of the shellfish protection districts and feels the work of these groups are vital in identifying and addressing pollution sources that are affecting nearshore marine environments. These districts are also essential to the reclassification of downgraded shellfish areas to approved status and to protecting threatened shellfish areas from future downgrades. Additionally, Public Works staff recommends dissolving the Birch Bay Shellfish Protection District Advisory Committee and assigning shellfish protection advisory duties to the Birch Bay Watershed and Aquatic Resources Management (BBWARM) District Advisory Committee.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council (Public Hearing)	ADOPTED	

Attachments: Staff Memo, Proposed Ordinance for Action January 15, 2019

Final Action:	01/15/2019
Enactment Date:	01/15/2019
Enactment #:	ORD 2019-006

1 Drayton Harbor/Portage Bay/Birch Bay Shellfish Ord. 2018

SPONSORED BY: _____
PROPOSED BY: Public Works
INTRODUCED: 12/4/2018

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6 ORDINANCE NO. 2019-006

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8 AMENDING WHATCOM COUNTY CODE 16.20
9 WHATCOM COUNTY SHELLFISH PROTECTION DISTRICT
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11 WHEREAS, on July 18, 1995, the Whatcom County Council adopted
12 Ordinance 95-036, creating the Drayton Harbor Shellfish Protection District, with a
13 sunset date of December 31, 1998; and

14 WHEREAS, on March 24, 1998, the Whatcom County Council amended the
15 Whatcom County Code Chapter 16.20 to create the Portage Bay Shellfish Protection
16 District; and

17 WHEREAS, the Whatcom County Council subsequently adopted Ordinances 98-
18 069, 2000-028, 2002-069, 2004-061, 2007-003, and 2008-55, each extending the
19 sunset date for the Drayton Harbor and Portage Bay Shellfish Protection Districts by two
20 years; and

21 WHEREAS, on May 26, 2010, the Whatcom County Council amended the
22 Whatcom County Code Chapter 16.20 to create the Birch Bay Shellfish Protection
23 District; and

24 WHEREAS, the Whatcom County Council subsequently adopted Ordinances 2014-
25 058, 2012-055 and 2010-046 extending the sunset date for the Drayton Harbor,
26 Portage Bay, and Birch Bay Shellfish Protection Districts; and

27 WHEREAS, the Whatcom County Council adopted Ordinance 2012-055 creating
28 four year terms for advisory committee members; and

29 WHEREAS, numerous efforts have occurred in the Drayton Harbor, Portage Bay,
30 and Birch Bay Shellfish Districts to eliminate or reduce pollutants that are affecting the
31 shellfish beds, through improved partnerships, cooperative efforts and increased
32 community involvement; and

33 WHEREAS, work needs to continue to ensure that approved shellfish harvest
34 areas maintain "approved" status, and remaining "conditionally approved" and
35 "prohibited" areas are reopened, and

36 WHEREAS, the Birch Bay Watershed and Aquatic Resources Management
37 (BBWARM) District has an existing advisory committee that provides oversight and

38 recommendations regarding water quality issues including issues related to shellfish
39 protection, and

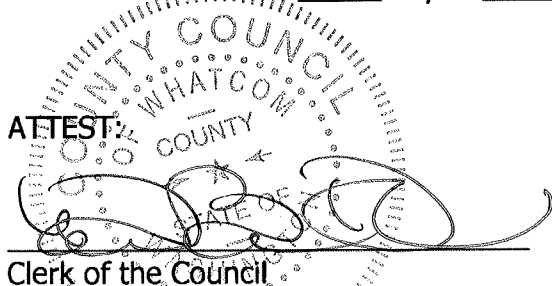
40 WHEREAS, having two advisory committees with overlapping duties creates
41 inefficiencies that could be resolved by combining those duties into one advisory
42 committee,

43 NOW THEREFORE, BE IT ORDAINED by the Whatcom County Council that the sunset
44 dates for the Drayton Harbor Shellfish Protection District, the Portage Bay Shellfish
45 Protection District, and the Birch Bay Shellfish Protection District shall be extended to
46 December 31, 2022, as indicated in Exhibit A to this Ordinance.

47 AND THEREFORE, MAY IT BE FURTHER ORDAINED by the Whatcom County
48 Council that the Birch Bay Shellfish Protection District Advisory Committee will be
49 dissolved and shellfish protection advisory duties for the Birch Bay Shellfish Protection
50 District shall be added to the advisory duties of the BBWARM advisory committee, as
51 indicated in Exhibit A to this Ordinance.

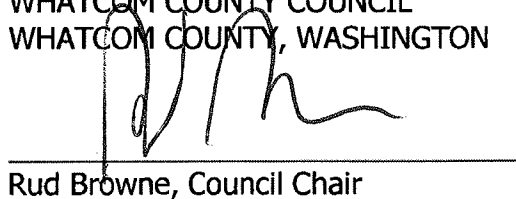
52 ADOPTED this 15th day of January, 2019

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55 ATTEST:
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Clerk of the Council


WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON




Rud Browne, Council Chair

APPROVED AS TO FORM:

Approved () Denied



11/20/18
Christopher Quinn
Senior Deputy Prosecuting Attorney-Civil Division



Jack Louws
County Executive

1 Drayton Harbor/Portage Bay/Birch Bay Shellfish Ord. 2018

SPONSORED BY: _____
PROPOSED BY: Public Works
INTRODUCED: _____

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6 ORDINANCE NO. 2019-006

7
8 AMENDING WHATCOM COUNTY CODE 16.20
9 WHATCOM COUNTY SHELLFISH PROTECTION DISTRICT
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11 WHEREAS, on July 18, 1995, the Whatcom County Council adopted
12 Ordinance 95-036, creating the Drayton Harbor Shellfish Protection District, with a
13 sunset date of December 31, 1998; and

14 WHEREAS, on March 24, 1998, the Whatcom County Council amended the
15 Whatcom County Code Chapter 16.20 to create the Portage Bay Shellfish Protection
16 District; and

17 WHEREAS, the Whatcom County Council subsequently adopted Ordinances 98-
18 069, 2000-028, 2002-069, 2004-061, 2007-003, and 2008-55, each extending the
19 sunset date for the Drayton Harbor and Portage Bay Shellfish Protection Districts by two
20 years; and

21 WHEREAS, on May 26, 2010, the Whatcom County Council amended the
22 Whatcom County Code Chapter 16.20 to create the Birch Bay Shellfish Protection
23 District; and

24 WHEREAS, the Whatcom County Council subsequently adopted Ordinances 2014-
25 058, 2012-055 and 2010-046 extending the sunset date for the Drayton Harbor,
26 Portage Bay, and Birch Bay Shellfish Protection Districts; and

27 WHEREAS, the Whatcom County Council adopted Ordinance 2012-055 creating
28 four year terms for advisory committee members; and

29 WHEREAS, numerous efforts have occurred in the Drayton Harbor, Portage Bay,
30 and Birch Bay Shellfish Districts to eliminate or reduce pollutants that are affecting the
31 shellfish beds, through improved partnerships, cooperative efforts and increased
32 community involvement; and

33 WHEREAS, work needs to continue to ensure that approved shellfish harvest
34 areas maintain "approved" status, and remaining "conditionally approved" and
35 "prohibited" areas are reopened, and

36 WHEREAS, the Birch Bay Watershed and Aquatic Resources Management
37 (BBWARM) District has an existing advisory committee that provides oversight and

38 | recommendations regarding water quality issues including issues related to shellfish
39 | protection, and

40 | WHEREAS, having two advisory committees with overlapping duties creates
41 | inefficiencies that could be resolved by combining those duties into one advisory
42 | committee,

43

44 | NOW THEREFORE, BE IT ORDAINED by the Whatcom County Council that the
45 | sunset dates for the Drayton Harbor Shellfish Protection District, the Portage Bay
46 | Shellfish Protection District, and the Birch Bay Shellfish Protection District shall be
47 | extended to ~~December 31, 2018~~ December 31, 2022 as indicated in Exhibit A to this
48 | Ordinance.

49 | AND THEREFORE, MAY IT BE FURTHER ORDAINED by the Whatcom County
50 | Council that the Birch Bay Shellfish Protection District Advisory Committee will be
51 | dissolved and shellfish protection advisory duties for the Birch Bay Shellfish Protection
52 | District shall be added to the advisory duties of the BBWARM advisory committee, as
53 | indicated in Exhibit A to this Ordinance.

54 | ADOPTED this _____ day of _____, ~~2014~~ 2019

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57 | ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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61 | _____
Clerk of the Council

~~Carl Weimer~~ Rud Browne, Council Chair

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64 | APPROVED AS TO FORM:

() Approved () Denied

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~~Daniel L. Gibson~~ Christopher Quinn
69 | Senior Deputy Prosecuting Attorney-Civil Division

Jack Louws
County Executive

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71 **Chapter 16.20**
72 **WHATCOM COUNTY SHELLFISH PROTECTION DISTRICTS**

73 Sections:

- 74 16.20.010 Establishment and authority of district.
- 75 16.20.015 Purpose.
- 76 16.20.016 Establishment of program.
- 77 16.20.020 District boundaries.
- 78 16.20.040 Revenue authority.
- 79 16.20.045 Collection of charges or rates and exemptions.
- 80 16.20.050 Sunset date and dissolution of district.
- 81 16.20.060 Relationship with other entities.
- 82 16.20.065 Advisory groups.
- 83 16.20.090 Severability.

84 **16.20.010 Establishment and authority of district.**

85 There is hereby established the Drayton Harbor, Portage Bay, and Birch Bay shellfish
86 protection districts under the authority of Chapter 90.72 RCW, Shellfish Protection
87 Districts. (Ord. 2014-058, Ord. 2012-055; Ord. 2010-046; Ord. 2009-042; Ord. 2008-
88 055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C;
89 Ord. 95-036).

90 **16.20.015 Purpose.**

91 The purpose of these districts is to provide services to citizens experiencing nonpoint
92 pollution of surface water drainages and coastal waters and to implement those
93 portions of the Drayton Harbor, Portage Bay, and Birch Bay closure response strategies
94 necessary to allow removal of the Drayton Harbor, Portage Bay, and Birch Bay
95 downgrades. (Ord. 2014-058, Ord. 2012-055; Ord. 2010-046; Ord. 2009-042; Ord.
96 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019
97 Att. C; Ord. 95-036).

98 **16.20.016 Establishment of program.**

99 The Birch Bay Initial Closure Response Strategy, dated April 28, 2009, is hereby
100 adopted as the Birch Bay shellfish protection program. The Portage Bay Initial Closure
101 Response Strategy, dated February 10, 1998, and updated as the Portage Bay Shellfish
102 Recovery Plan- 2014 Update (Res. 2014-027) is hereby adopted as the Portage Bay
103 shellfish protection program. The Drayton Harbor Shellfish Growing Area Initial Closure
104 Response Strategy, dated May 1995, and updated as the Drayton Harbor Shellfish
105 Protection District Recovery Plan- 2007 Update (Res. 2007-024) is hereby adopted as
106 the Drayton Harbor shellfish protection plan. (Ord. 2012-055; Ord. 2010-046; Ord.

107 2009-042; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-
108 069; Ord. 98-019 Att. C).

109 **16.20.020 District boundaries.**

110 The Drayton Harbor shellfish protection district shall be the approximate area included
111 in the Drayton Harbor watershed and contained within the boundaries that are declared
112 as follows:

113 Commencing on the forty-ninth parallel at the point dividing the American and Canadian
114 territory in the Gulf of Georgia; thence easterly along said international boundary line to
115 the intersection of Markworth Road; thence southerly along the centerline of Markworth
116 Road to the intersection of Badger Road; thence easterly along the centerline of Badger
117 Road to the intersection of Glendale Road; thence southerly along the centerline of
118 Glendale Road to the intersection of Loomis Trail Road; thence westerly along the
119 centerline of Loomis Trail Road to the intersection of Bob Hall Road; thence southerly
120 along the centerline of Bob Hall Road to the intersection of Birch Bay Lynden Road;
121 thence westerly along the centerline of Birch Bay Lynden Road to the intersection of
122 Woodland Road; thence southerly along the centerline of Woodland Road to the
123 intersection of Harksell Road; thence easterly along the centerline of Harksell Road to
124 the intersection of Enterprise Road; thence southerly along the centerline of Enterprise
125 Road to the intersection of Aldergrove Road; thence westerly along the centerline of
126 Aldergrove Road to the intersection of Olson Road; thence northerly along the
127 centerline of Olson Road to the intersection of Grandview Road; thence westerly along
128 the centerline of Grandview Road to the intersection of Valley View Road; thence
129 northerly along the centerline of Valley View Road to the intersection of Bay Road;
130 thence westerly along the centerline of Bay Road to the intersection of Kickerville Road;
131 thence northerly along the centerline of Kickerville Road to the intersection of Birch Bay
132 Lynden Road; thence westerly along the centerline of Birch Bay Lynden Road to the
133 intersection of Blaine Road; thence northerly along the centerline of Blaine Road to the
134 intersection of Lincoln Road; then westerly along the centerline of Lincoln Road to
135 where it becomes Semiahmoo Parkway; thence following the centerline of Semiahmoo
136 Parkway to the intersection of Drayton Harbor Road; thence following a line running
137 off-shore to the point of origin in the Gulf of Georgia, plotted in such a manner as to
138 follow existing boundaries of land parcels.

139 The Portage Bay shellfish protection district shall be the approximate area included in
140 the Nooksack watershed and contained within the boundaries that are declared as
141 follows:

142 Commencing on the forty-ninth parallel at the intersection of Markworth Road; thence
143 easterly along said international boundary line to the easterly section line of Township
144 41 North, Range 3 East, Section 35; thence southerly along said section line to the
145 intersection of Halverstick Road; thence westerly along the centerline of Halverstick

146 Road to the easterly section line of Township 40 North, Range 3 East, Section 3; thence
147 southerly along said section line to the northerly line of Township 40 North, Range 3
148 East, Section 11; thence easterly along said section line to the easterly section line of
149 Township 40 North, Range 3 East, Section 11; thence southerly along said section line
150 to the intersection of East Badger Road; thence easterly along the centerline of East
151 Badger Road to the intersection of Trap Line Road; thence southerly along the
152 centerline of Trap Line Road to the intersection with the City Limits of Everson; thence
153 proceeding easterly along the City Limits of Everson to the intersection with the City
154 Limits of Nooksack; thence proceeding along the City Limits of Nooksack to the easterly
155 section line of Township 40 North, Range 4 East, Section 31; thence southerly along
156 said section line to the northerly section line of Township 39 North, Range 4 East,
157 Section 5; thence easterly along said section line to the intersection with Nooksack
158 Road; thence southerly along the centerline of Nooksack Road to the intersection with
159 Hopewell Road; thence easterly along the centerline of Hopewell Road to the
160 intersection with Lawrence Road; thence southerly along the centerline of Lawrence
161 Road to the northerly section line of Township 39 North, Range 4 East, Section 21;
162 thence easterly along said section line to the westerly section line of Township 39
163 North, Range 4 East, Section 13; thence northerly along said section line to the
164 northerly section line of Township 39 North, Range 4 East, Section 1; thence easterly
165 along said section line to the westerly section line of Township 40 North, Range 5 East,
166 Section 31; thence northerly along said section line to the northerly section line of
167 Township 40 North, Range 5 East, Section 31; thence easterly along said section to the
168 westerly line of Township 40 North, Range 5 East, Section 28; thence northerly along
169 said section line to the northerly line of Township 40 North, Range 5 East, Section 4;
170 thence easterly along said section line to the westerly section line of Township 41
171 North, Range 5 East, Section 34; thence northerly along said section to the 49th
172 parallel; thence easterly along the 49th parallel to the easterly section line of Township
173 41 North, Range 5 East, Section 36; thence southerly along said section line to the
174 northerly section line of Township 40 North, Range 6 East, Section 6; thence easterly
175 along said section line to the easterly section line of Township 40 North, Range 6 East,
176 Section 5; thence southerly along said section to the northerly section line of Township
177 40 North, Range 6 East, Section 9; thence easterly along said section line to the
178 National Forest Boundary; thence proceeding southerly along said National Forest
179 Boundary to the boundary between Whatcom County and Skagit County; thence
180 westerly along said County boundary to the westerly section line of Township 37 North,
181 Range 5 East, Section 34; thence northerly along said section line to the southerly
182 section line of Township 37 North, Range 5 East, Section 21; thence westerly along said
183 section line to the westerly section line of Township 37 North, Range 5 East, Section
184 21; thence northerly along said section line to the southerly section line of Township 37
185 North, Range 5 East, Section 17; thence westerly along said section line to the westerly
186 section line of Township 37 North, Range 4 East, Section 13; thence northerly along
187 said section line to the southerly section line of Township 37 North, Range 4 East,
188 Section 11; thence westerly along said section line to the westerly section line of
189 Township 37 North, Range 4 East, Section 11; thence northerly along said section line

190 to the southerly section line of Township 38 North, Range 4 East, Section 15; thence
191 westerly along said section line to the westerly section line of Township 38 North,
192 Range 4 East, Section 17; thence northerly along said section line to the southerly
193 section line of Township 38 North, Range 4 East, Section 7; thence westerly along said
194 section line to the westerly section line of Township 38 North, Range 4 East, Section 7;
195 thence northerly along said section line to the intersection of East Smith Road; thence
196 westerly along the centerline of East Smith Road to the easterly section line of
197 Township 39 North, Range 3 East, Section 31; thence southerly along said section line
198 to the intersection of Kelly Road; thence westerly along the centerline of Kelly Road to
199 the intersection of Guide Meridian; thence southerly along the centerline of Guide
200 Meridian to the southerly section line of Township 38 North, Range 2 East, Section 1;
201 thence westerly along said section line to the easterly section line of Township 38
202 North, Range 2 East, Section 11; thence southerly along said section to the southerly
203 line of Township 38 North, Range 2 East, Section 11; thence westerly along said section
204 to the easterly section line of Township 38 North, Range 2 East, Section 16; thence
205 southerly along said section line to the intersection with Bellingham Bay; thence
206 recommencing at the westerly section line of Township 38 North, Range 2 East, Section
207 20 in the Nooksack Delta; thence northerly along said section line to the northerly
208 section line of Township 38 North, Range 2 East, Section 17; thence easterly along said
209 section line to the centerline of the Nooksack River; thence following the centerline of
210 the Nooksack River to the intersection with the City Limits of Ferndale; thence westerly,
211 proceeding along the City Limits of Ferndale to the intersection with Mt. View Road;
212 thence westerly along the centerline of Mt. View Road to the intersection with the City
213 Limits of Ferndale; thence northerly, proceeding along the City Limits of Ferndale to the
214 intersection with Church Road; thence northerly along the centerline of Church Road to
215 the intersection of Aldergrove Road; thence easterly along the centerline of Aldergrove
216 Road to the intersection of Enterprise Road; thence northerly along the centerline of
217 Enterprise Road to the intersection of Harksell Road; thence westerly along the
218 centerline of Harksell Road to the intersection of Woodland Road; thence northerly
219 along the centerline of Woodland Road to the intersection of Birch Bay-Lynden Road;
220 thence easterly along the centerline of Birch Bay-Lynden Road to the intersection of
221 Bob Hall Road; thence northerly along the centerline of Bob Hall Road to the
222 intersection of Loomis Trail Road; thence easterly along the centerline of Loomis Trail
223 Road to the intersection of Glendale Road; thence northerly along the centerline of
224 Glendale Road to the intersection of West Badger Road; thence westerly along the
225 centerline of West Badger Road to the intersection of Markworth Road; thence northerly
226 along the centerline of Markworth Road to the forty-ninth parallel, POB.

227 The Birch Bay shellfish protection district shall be the approximate area of the Birch Bay
228 watershed and contained within the boundaries that are declared as follows:

229 The Birch Bay Stormwater Management Plan Sub Flood Zone comprises all or portions
230 of Sections 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, and 36, Township 40
231 North, Range 1 West, Sections 1, 2, 3, 10, 11, 12, 13, 14, and 24, Township 39 North,

232 Range 1 West, Sections 2 through 18, 21,22,23, 24, and 28, Township 39 North, Range
233 1 East, and Sections 19, 20, 29, 30, 31, 32, 33, Township 40 North, Range 1 East, of
234 Willamette Meridian; said Sub Flood Zone boundary more particularly described as
235 follows: (For the purposes of this description Section, Township, and Range may be
236 abbreviated as Section #, T # N., R # E. or W. and abbreviations NE for Northeast, NW
237 for Northwest, SW for Southwest, and SE for Southeast may be used.)

238 Commencing at the point of intersection of the Line of Ordinary High Tide of
239 Semiahmoo Bay with the Southwesterly line of Tract A, Plat of Boundary Ridge in
240 Section 10, T. 40 N., R. 1 W., said point being the True Point of Beginning; Thence
241 Southeasterly along said Southwesterly line of Tract A, and the Southeasterly extension
242 thereof, 646 feet, more or less, to the centerline of Semiahmoo Parkway; Thence
243 generally Southerly along the centerline of Semiahmoo Parkway 1.5 miles, more or less,
244 to the North-South Center Section Line of Section 14, T. 40 N., R. 1 W.; Thence
245 Northeasterly 750 feet, more or less, to a point 350 feet due South of the most
246 Westerly corner of Lot 65, Saint Andrew's Green Division IV – Phase A; Thence
247 Southeasterly 2000 feet, more or less, to the ¼ Section Corner common to Sections 13
248 and 14, T. 40 N., R. 1 W.; Thence Southeasterly 1360 feet, more or less, to the SE
249 corner of the North 10 acres of the West ½ of the SW ¼ of said Section 13; Thence
250 Southeasterly 2214 feet, more or less, to the SE corner of the West 20 acres of the NW
251 ¼ of the SE ¼ of said Section 13; Thence Southeasterly 2380 feet, more or less, to the
252 NE Corner of Section 19, T. 40 N., R. 1 E.; Thence Southeasterly 1000 feet, more or
253 less, to the intersection of the centerlines of Seafair Drive and Oakridge Drive, Plat of
254 Harborview Estates; Thence Southeasterly 450 feet, more or less, to the SE corner of
255 Lot 17, said Plat of Harborview Estates; Thence Southeasterly 500 feet, more or less, to
256 the intersection of the centerlines of Glendale Drive and Bayshore Drive, Plats of said
257 Harborview Estates and Lincoln Green, Division No. 1; Thence Easterly 1015.73 feet
258 along the centerline of said Bayshore Drive to the center of the cul-de-sac at the
259 Easterly end of said Bayshore Drive; Thence Southeasterly 200 feet, more or less, to
260 the NW corner of the SW ¼ of the NE ¼ of said Section 19; Thence Southeasterly
261 2820 feet, more or less, to the NW corner of the South 330 feet of the SW ¼ of the NW
262 ¼ of Section 20, T. 40 N., R. 1 E.; Thence Southeasterly 2750 feet, more or less, to the
263 NE corner of Croft's Short Plat; Thence Easterly 440 feet, more or less, to the NE corner
264 of the SE ¼ of the SW ¼ of said Section 20; Thence Southeasterly 1554 feet, more or
265 less, to a point on the Section Line common to said Sections 20 and 29, T. 40 N., R. 1
266 E., 500 feet Westerly of the NE corner of the NW ¼ of the NE ¼ of said Section 29;
267 Thence Southwesterly 1554 feet, more or less, to the SW corner of said NW ¼ of the
268 NE ¼ of said Section 29; Thence Southeasterly ¼ mile, more or less to the SE corner
269 of Lot 92, plat of Double RR Ranch; Thence Southeasterly 875 feet, more or less, to the
270 NE corner of Lot 46, said Plat of Double RR Ranch; Thence Southerly 700 feet, more or
271 less, to the NE corner of Lot 39, said Plat of Double RR Ranch; Thence Southwesterly
272 540 feet, more or less, to the SW corner of Lot 26, said plat of Double RR Ranch;
273 Thence Easterly 460 feet, more or less, to the SE corner of Lot 37, said plat of Double
274 RR Ranch; Thence Southeasterly 962 feet, more or less, to the center of the SE ¼ of

275 the SE ¼ of said Section 29; Thence Southeasterly 710 feet, more or less, to a point on
276 the North line of Section 32, T. 40 N., R. 1 E. 397 feet Westerly of the NE Corner of said
277 Section 32; Thence Southeasterly 2166 feet, more or less, to the center of the NW ¼ of
278 Section 33, T. 40 N., R. 1 E.; Thence Easterly along the East-West centerline of said NW
279 ¼ 660 feet, more or less to the Northwesterly right-of-way line of the GNRR (BNSF)
280 Spur; Thence Southwesterly one mile, more or less, along said Northwesterly right-of-
281 way line to the Section Line common to said Section 32 and Section 5, T. 39 N., R 1 E.;
282 Thence Southeasterly 1458 feet, more or less to the NW corner of the SW ¼ of the NW
283 ¼ of the NW ¼ of Section 4, T. 39 N., R 1 E.; Thence Southeasterly 1476 feet, more or
284 less, to the NW corner of the SE ¼ of the NW ¼ of said Section 4; Thence Easterly
285 1320 feet, more or less, to the NE corner of said SE ¼ of the NW ¼; Thence
286 Southeasterly 3300 feet, more or less, to the NE corner of the SE ¼ of the NE ¼ of the
287 SE ¼ of said Section 4; Thence Southeasterly 1361 feet, more or less, to the SE corner
288 of Lot 3, Grandview Highlands Short Plat in Section 3, T. 39 N., R 1 E.; Thence East
289 1320 feet, more or less, to the North-South Center Section Line of said Section 3;
290 Thence Southeasterly 4290 feet, more or less, to the SE corner of the SW ¼ of the SW
291 ¼ of Section 2, T. 39 N., R 1 E.; Thence Southeasterly 2800 feet, more or less, to the
292 most Easterly corner of Lot A, Grandview Hill Estates Cluster Short Plat #2; Thence
293 Southeasterly 1050 feet, more or less, to a point on the East-West Center Section Line
294 of Section 11, T. 39 N., R 1 E., 1 rod Westerly of the NE corner of the NW ¼ of the SE
295 ¼ of said Section 11; Thence Southwesterly 677 feet, more or less, to the midpoint of
296 the South line of the North ½ of the East ½ of the East ½ of said NW ¼ of the SE ¼;
297 Thence Southeasterly 841feet, more or less, to a point on the South line of the NE ¼ of
298 the SE ¼ of said Section 11, 355.71 feet Easterly of the SW corner of said NE ¼ of the
299 SE ¼; Thence Southeasterly 689 feet, more or less, to a point 105 feet West of the
300 center of the SE ¼ of the SE ¼ of said Section 11; Thence East 105 feet to said center
301 of the SE ¼ of the SE ¼; Thence Southeasterly 933 feet, more or less, to the NE
302 Corner of said Section 13, T. 39 N., R 1 E.; Thence Easterly 240 feet along the North
303 line of said Section 13; Thence Southeasterly 935 feet, more or less, to the NW corner
304 of Lot 2, Unruh Heights Short Plat; Thence Southeasterly 1462 feet, more or less, to a
305 point on the South line of the West ½ of the NE ¼ of the NW ¼ of said Section 13,
306 1rod Westerly of the SE corner of said West ½; Thence Southeasterly 1483 feet, more
307 or less, to the Center of said Section 13; Thence Southeasterly to the SE corner of Lot
308 126, Plat of Pacific Highlands Division No. 4; Thence generally Southerly following along
309 the Easterly boundary line of said Plat to the SE corner of Lot 153 of said Plat; Thence
310 Southeasterly to the NW corner of Lot 8, Block 4, Plat of Pacific Heights Phase I,
311 Thence Southerly along the West line of said Plat 38.51 feet; Thence Southerly 275
312 feet, more or less, to a point on the South line of said Section 13, 285.5 feet West of
313 the SE corner of the SW ¼ of the SE ¼ of said Section 13; Thence Southeasterly 1325
314 feet, more or less, to a point on the South line of the NW ¼ of the NE ¼ of Section 24,
315 T. 39 N., R 1 E., 165 feet Westerly of the SE corner of said NW ¼ of the NE ¼; Thence
316 Westerly 495 feet, more or less, along the South line of said NW ¼ of the NE ¼ to the
317 SW corner of the SE ¼ of said NW ¼ of the NE ¼; Thence Southwesterly to a point on
318 the North-South Center Section Line of said Section 24, 300 feet Southerly of the NE

319 corner of the SE ¼ of the NW ¼ of said Section 24; Thence Southwesterly 1063 feet,
320 more or less, to a point on the South line of said SE ¼ of the NW ¼, 300 feet Westerly
321 of the SE corner of said SE ¼ of the NW ¼; Thence Northwesterly 1072 feet, more or
322 less, to a point on the West line of said SE ¼ of the NW ¼, 330 feet Northerly of the
323 SW corner of said SE ¼ of the NW ¼; Thence Northerly 990 feet, more or less, along
324 the West line of said SE ¼ of the NW ¼ to the center of the NW ¼ of said Section 24;
325 Thence Northwesterly 738 feet, more or less, to the center of the South ½ of the NW
326 ¼ of the NW ¼ of said Section 24; Thence Northwesterly 467 feet, more or less, to a
327 point on the South line of the North ½ of said NW ¼ of the NW ¼, 330 feet Easterly of
328 the SW corner of said North ½; Thence Northwesterly to a point on the North line of
329 said Section 24, 150 feet Easterly of the NW Corner of said Section 24; Thence
330 Northwesterly 427 feet, more or less, to a point on the West line of Section 13, T. 39
331 N., R. 1 E., 400 feet Northerly of the SW corner of said Section 13; Thence West 200
332 feet; Thence Southerly 400 feet, more or less, to a point on the South line of Section
333 14, T. 39 N., R. 1 E., 200 feet Westerly of the SE corner of said Section 14; Thence
334 Southwesterly 1300 feet, more or less, to the Northeast corner of the SE ¼ of the NW
335 ¼ of the NE ¼ of Section 23, T. 39 N. R. 1 E.; Thence Southerly 660 feet, more or less,
336 to the center of the NE ¼ of said Section 23; Thence Northwesterly 1361 feet, more or
337 less, to the Northwest corner of the South 330 feet of the West ½ of the NW ¼ of the
338 NE ¼ of said Section 23; Thence Northerly 330 feet, more or less, to the Northwest
339 corner of the SW ¼ of said NW ¼ of the NE ¼; Thence Northwesterly 933 feet, more
340 or less, to the Northwest corner of the NE ¼ of the NE ¼ of the NW ¼ of said Section
341 23; Thence Westerly 2280 feet, more or less, along Section Line common to said
342 Sections 14 and 23, and Sections 15 and 22, T. 39 N., R 1 E. to a point 300 feet
343 Westerly of the Northeast Corner of said Section 22; Thence Southerly 1980 feet, more
344 or less, parallel with the East line of said Section 22, to the North line of the South 1/2
345 of the SE ¼ of the NE ¼ of said Section 22; Thence Southwesterly 752 feet, more or
346 less, to the midpoint of the North line of the NE ¼ of the SE ¼ of said Section 22;
347 Thence Southerly 330 feet, more or less, to the South line of the North 330 feet of said
348 NE ¼ of the SE ¼; Thence Southwesterly 955 feet, more or less, to a point on the
349 West line of said NE ¼ of the SE ¼ and 300 feet Northerly of the SW corner of said NE
350 ¼ of the SE ¼; Thence Southwesterly 1063 feet, more or less to a point on the North
351 line of the SW ¼ of the SE ¼ 300 feet Easterly of the NW corner of said SW ¼ of the
352 SE ¼; Thence Southwesterly 424 feet, more or less, to a point on the West line of said
353 SW ¼ of the SE ¼ 300 feet Southerly of the NW corner of said SW ¼ of the SE ¼;
354 Thence Southwesterly 752 feet, more or less, to the NE corner of Lake Terrell Short
355 Plat; Thence Southwesterly 738 feet, more or less, to the SW corner of Lot A, Lake
356 Terrell Short Plat; Thence Northwesterly 1361 feet, more or less, to the NW corner of
357 the South ½ of the SW ¼ of the SW ¼ of said Section 22; Thence West 400 feet;
358 Thence Southwesterly 690 feet, more or less, to a point on the South line of Section 21,
359 T. 39 N., R. 1 E. and 600 feet Westerly of the SE corner of said Section 21; Thence
360 Southwesterly 725 feet, more or less, to a point on the North line of the South ½ of the
361 NE ¼ of the NE ¼ of Section 28, T. 39 N., R. 1 E. and 900 feet Westerly of the East
362 line of said Section 28; Thence Southerly, parallel with the East line of said Section 28,

363 660 feet, more or less, to the North line of the SE ¼ of the NE ¼ of said Section 28;
364 Thence Southeasterly 725 feet, more or less, to a point on the North line of the South
365 ½ of the SE ¼ of the NE ¼ of said Section 28 and 600 feet Westerly of the East line of
366 said Section 28; Thence Southwesterly 772 feet, more or less, to a point on the South
367 line of said NE ¼ and 1000 feet Westerly of the East line of said Section 28; Thence
368 Southerly, parallel with the East line of said Section 28, 200 feet; Thence Westerly,
369 parallel with the East-West Center Section Line of said Section 28, 500 feet; Thence
370 Southwesterly 665 feet, more or less, to the midpoint of the East line of the West ½ of
371 the NW ¼ of the SE ¼ of said Section 28; Thence Southwesterly 675 feet, more or
372 less, to a point on the North-South Center Section Line of said Section 28 and 800 feet
373 South of the Center of said Section 28; Thence Northwesterly 1037 feet, more or less,
374 to the Northwest corner of the East ½ of the NE ¼ of the SW ¼ of said Section 28;
375 Thence Northwesterly 1476 feet, more or less, to the center of the NW ¼ of said
376 Section 28; Thence Northeasterly 1322 feet, more or less, to a point on the North Line
377 of said Section 28 and 1245 feet Westerly of the North ¼ Corner of said Section 28;
378 Thence Northeasterly ¼ mile, more or less, to the point of intersection of the centerline
379 of Rainbow Road with the East-West centerline of the SW ¼ of Section 21, T. 39 N., R.
380 1 E.; Thence Northwesterly 0.4 miles, more or less, along said centerline of Rainbow
381 Road to the South line of the North ½ of the SW ¼ of the NW ¼ of said Section 21;
382 Thence Northwesterly 752 feet, more or less, to the midpoint of the North line of the
383 West ½ of said SW ¼ of the NW ¼; Thence Northerly 1320 feet, more or less, parallel
384 with the West line of said Section 21, to North Line of said Section 21; Thence
385 Northeasterly 1650 feet, more or less, to the center of the SW ¼ of Section 16, T. 39
386 N., R. 1 E.; Thence Northeasterly 1361 feet, more or less, to a point on the East-West
387 Center Section Line of said Section 16 and 990 feet Westerly of the Center of said
388 Section 16; Thence Northeasterly 0.4 miles, more or less, to the Southeast corner of Lot
389 2, Lake Terrell Mobile Ranch Short Plat; Thence Northwesterly 483 feet, more or less, to
390 a point on the South Line of Section 9, T. 39 N., R. 1 E. and 208 feet Westerly of the SE
391 corner of the SW ¼ of the SE ¼ of the SW ¼ of said Section 9; Thence Northwesterly
392 1023 feet, more or less, to the midpoint of the North line of the South 330 feet of the
393 North ¾ of the East ½ of the SW ¼ of the SW ¼ of said Section 9; Thence
394 Southwesterly 1190 feet, more or less, to the Southwest Corner of said Section 9;
395 Thence Southwesterly 1650 feet, more or less, to the SW corner of the North ¾ of the
396 NE ¼ of the NE ¼ of Section 17, T. 39 N., R. 1 E.; Thence Southwesterly 1325 feet,
397 more or less, to a point on the North-South Center Section Line of said Section 17 and
398 1100 Southerly of the North ¼ Corner of said Section 17; Thence Southwesterly 696
399 feet, more or less, to the midpoint of the South line of the NE ¼ of the NW ¼ of said
400 Section 17; Thence Northwesterly 696 feet, more or less, to a point on the West line of
401 said NE ¼ of the NW ¼ and 1100 feet Southerly of the NW corner of said NE ¼ of the
402 NW ¼; Thence Northwesterly 1354 feet, more or less, to a point on the West Line of
403 said Section 17 and 800 feet Southerly of the NW Corner of said Section 17; Thence
404 Northwesterly 5284 feet, more or less, to a point on the East Line of Section 13, T. 39
405 N., R. 1 W. and 600 feet Southerly of the NE Corner of said Section 13; Thence
406 Southerly 5000 feet, more or less, along said East Line of Section 13 and the East Line

407 of Section 24, T. 39 N., R. 1 W. to the Line of Ordinary High Tide of the Strait of
408 Georgia; Thence generally Northerly, following along the Line of Ordinary High Tide of
409 the Strait of Georgia, Birch Bay, and Semiahmoo Bay, 15 miles, more or less, to the
410 True Point of Beginning.

411 (Ord. 2010-046; Ord. 2009-042; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord.
412 2004-061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).

413 **16.20.040 Revenue authority.**

414 The revenue authorities granted under Chapter 90.72 RCW shall be exercised at the
415 discretion of the board of supervisors, which shall be the county council for the
416 operation of these districts. (Ord. 2014-058, Ord. 2012-055; Ord. 2010-046; Ord. 2009-
417 042; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord.
418 98-019 Att. C; Ord. 95-036).

419 **16.20.045 Collection of charges or rates and exemptions.**

420 Property owners within these shellfish protection districts may be assessed charges or
421 rates as allowed by Chapter 90.72 RCW to finance the shellfish protection programs.
422 The owner of any property within a shellfish protection district which is exempt from
423 charges or rates because such property is subject to the National Pollution Discharge
424 Elimination System as specified in RCW 90.72.070 shall demonstrate such exemption
425 annually to the county assessor. If evidence of exemption is not provided, the property
426 will automatically convert from exempt status and the property will be subject to
427 charges or rates. Land exempt from charges and rates as specified in RCW 90.72.070
428 because of its forest land classification will automatically convert from exempt status if
429 the land classification changes and will be subject to charges or rates. (Ord. 2014-058,
430 Ord. 2012-055; Ord. 2010-046; Ord. 2009-042; Ord. 2008-055 Exh. A; Ord. 2007-003
431 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C).

432 **16.20.050 Sunset date and dissolution of district.**

433 The Drayton Harbor shellfish protection district shall be dissolved on December 31,
434 ~~2018~~22, unless specifically extended by ordinance of the county legislative authority, or
435 upon the removal of the downgrade. The Portage Bay shellfish protection district shall
436 be dissolved and this chapter repealed on December 31, ~~2018~~22, unless specifically
437 extended by ordinance of the county legislative authority, or upon the removal of the
438 downgrade. The Birch Bay shellfish protection district shall be dissolved and this chapter
439 repealed on December 31, ~~2018~~22, unless specifically extended by ordinance of the
440 county legislative authority, or upon the removal of the downgrade. These districts may
441 also be dissolved by the county legislative authority by ordinance. The county legislative
442 authority shall review the continued need for these districts four months prior to their
443 sunset dates. (Ord. 2014-058, Ord. 2012-055; Ord. 2010-046; Ord. 2009-042; Ord.

444 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 2000-
445 028; Ord. 98-069; Ord. 98-019 Att. C; Ord. 95-036).

446 **16.20.060 Relationship with other entities.**

447 No program or activity proposed by the district shall replace or consolidate existing
448 activities performed by cities or other non-County provided water-related special
449 purpose districts without their consent. In formulating new programs, consultation and
450 coordination shall occur with cities and other water-related special districts. (Ord. 2014-
451 058, Ord. 2012-055; Ord. 2010-046; Ord. 2009-042; Ord. 2008-055 Exh. A; Ord. 2007-
452 003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).

453 A. **16.20.065 Advisory groups.** The advisory committees shall comply with Whatcom
454 County Code (WCC) 2.03, Boards and Commissions.

455 B. The board of supervisors shall appoint advisory committees of not more than 11
456 members to advise on the overall operations of ~~these~~ the Drayton Harbor and
457 Portage Bay Shellfish Protection Districts~~districts~~. Two positions on each of the
458 advisory committees will be available for tribal representation. In establishing
459 district advisory committees, all members shall have a direct interest in the
460 district. (Ord. 2014-058, Ord. 2012-055; Ord. 2010-046; Ord. 2009-042 Att. C;
461 Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069;
462 Ord. 98-019 Att. C; Ord. 95-036).

463 B.C. The Birch Bay Shellfish Protection District Advisory Committee will be
464 dissolved and shellfish protection advisory duties will be assigned to the Birch
465 Bay Water and Aquatic Resources Management (BBWARM) District Advisory
466 Committee, an existing advisory committee that provides recommendations on
467 projects and programs to protect water quality in the Birch Bay watershed.

468 C.D. Member terms will be four years, unless otherwise required by the
469 Revised Code of Washington (RCW).

470 D.E. Each advisory committee shall dissolve when its related district dissolves
471 per WCC 16.20.050.

472

473 **16.20.090 Severability.**

474 If any provision of this chapter is found to be invalid, all remaining provisions shall
475 continue in effect. (Ord. 2014-058, Ord. 2012-055; Ord. 2010-046; Ord. 2009-042 Att.
476 C; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord.
477 98-019 Att. C; Ord. 95-036).