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6 ORDINANCE NO. 2018-

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 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 ____ day of _____, 2018.

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ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

59 _____
60 Clerk of the Council


_____ Rud Browne, Council Chair

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62 APPROVED AS TO FORM:

() Approved () Denied

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64
65

66 _____  11/20/18
67 Christopher Quinn
68 Senior Deputy Prosecuting Attorney-Civil Division

_____ Jack Louws
County Executive

EXHIBIT A

69 **Chapter 16.20**
70 **WHATCOM COUNTY SHELLFISH PROTECTION DISTRICTS**

71 Sections:

- 72 [16.20.010](#) Establishment and authority of district.
73 [16.20.015](#) Purpose.
74 [16.20.016](#) Establishment of program.
75 [16.20.020](#) District boundaries.
76 [16.20.040](#) Revenue authority.
77 [16.20.045](#) Collection of charges or rates and exemptions.
78 [16.20.050](#) Sunset date and dissolution of district.
79 [16.20.060](#) Relationship with other entities.
80 [16.20.065](#) Advisory groups.
81 [16.20.090](#) Severability.

82 **16.20.010 Establishment and authority of district.**

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

88 **16.20.015 Purpose.**

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

96 **16.20.016 Establishment of program.**

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

105 2009-042; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-
106 069; Ord. 98-019 Att. C).

107 **16.20.020 District boundaries.**

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

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

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

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

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

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

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

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

230 Range 1 West, Sections 2 through 18, 21,22,23, 24, and 28, Township 39 North, Range
231 1 East, and Sections 19, 20, 29, 30, 31, 32, 33, Township 40 North, Range 1 East, of
232 Willamette Meridian; said Sub Flood Zone boundary more particularly described as
233 follows: (For the purposes of this description Section, Township, and Range may be
234 abbreviated as Section #, T # N., R # E. or W. and abbreviations NE for Northeast, NW
235 for Northwest, SW for Southwest, and SE for Southeast may be used.)

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

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

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

361 660 feet, more or less, to the North line of the SE ¼ of the NE ¼ of said Section 28;
362 Thence Southeasterly 725 feet, more or less, to a point on the North line of the South
363 ½ of the SE ¼ of the NE ¼ of said Section 28 and 600 feet Westerly of the East line of
364 said Section 28; Thence Southwesterly 772 feet, more or less, to a point on the South
365 line of said NE ¼ and 1000 feet Westerly of the East line of said Section 28; Thence
366 Southerly, parallel with the East line of said Section 28, 200 feet; Thence Westerly,
367 parallel with the East-West Center Section Line of said Section 28, 500 feet; Thence
368 Southwesterly 665 feet, more or less, to the midpoint of the East line of the West ½ of
369 the NW ¼ of the SE ¼ of said Section 28; Thence Southwesterly 675 feet, more or
370 less, to a point on the North-South Center Section Line of said Section 28 and 800 feet
371 South of the Center of said Section 28; Thence Northwesterly 1037 feet, more or less,
372 to the Northwest corner of the East ½ of the NE ¼ of the SW ¼ of said Section 28;
373 Thence Northwesterly 1476 feet, more or less, to the center of the NW ¼ of said
374 Section 28; Thence Northeasterly 1322 feet, more or less, to a point on the North Line
375 of said Section 28 and 1245 feet Westerly of the North ¼ Corner of said Section 28;
376 Thence Northeasterly ¼ mile, more or less, to the point of intersection of the centerline
377 of Rainbow Road with the East-West centerline of the SW ¼ of Section 21, T. 39 N., R.
378 1 E.; Thence Northwesterly 0.4 miles, more or less, along said centerline of Rainbow
379 Road to the South line of the North ½ of the SW ¼ of the NW ¼ of said Section 21;
380 Thence Northwesterly 752 feet, more or less, to the midpoint of the North line of the
381 West ½ of said SW ¼ of the NW ¼; Thence Northerly 1320 feet, more or less, parallel
382 with the West line of said Section 21, to North Line of said Section 21; Thence
383 Northeasterly 1650 feet, more or less, to the center of the SW ¼ of Section 16, T. 39
384 N., R. 1 E.; Thence Northeasterly 1361 feet, more or less, to a point on the East-West
385 Center Section Line of said Section 16 and 990 feet Westerly of the Center of said
386 Section 16; Thence Northeasterly 0.4 miles, more or less, to the Southeast corner of Lot
387 2, Lake Terrell Mobile Ranch Short Plat; Thence Northwesterly 483 feet, more or less, to
388 a point on the South Line of Section 9, T. 39 N., R. 1 E. and 208 feet Westerly of the SE
389 corner of the SW ¼ of the SE ¼ of the SW ¼ of said Section 9; Thence Northwesterly
390 1023 feet, more or less, to the midpoint of the North line of the South 330 feet of the
391 North ¾ of the East ½ of the SW ¼ of the SW ¼ of said Section 9; Thence
392 Southwesterly 1190 feet, more or less, to the Southwest Corner of said Section 9;
393 Thence Southwesterly 1650 feet, more or less, to the SW corner of the North ¾ of the
394 NE ¼ of the NE ¼ of Section 17, T. 39 N., R. 1 E.; Thence Southwesterly 1325 feet,
395 more or less, to a point on the North-South Center Section Line of said Section 17 and
396 1100 Southerly of the North ¼ Corner of said Section 17; Thence Southwesterly 696
397 feet, more or less, to the midpoint of the South line of the NE ¼ of the NW ¼ of said
398 Section 17; Thence Northwesterly 696 feet, more or less, to a point on the West line of
399 said NE ¼ of the NW ¼ and 1100 feet Southerly of the NW corner of said NE ¼ of the
400 NW ¼; Thence Northwesterly 1354 feet, more or less, to a point on the West Line of
401 said Section 17 and 800 feet Southerly of the NW Corner of said Section 17; Thence
402 Northwesterly 5284 feet, more or less, to a point on the East Line of Section 13, T. 39
403 N., R. 1 W. and 600 feet Southerly of the NE Corner of said Section 13; Thence
404 Southerly 5000 feet, more or less, along said East Line of Section 13 and the East Line

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

409 (Ord. 2010-046; Ord. 2009-042; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord.
410 2004-061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).

411 **16.20.040 Revenue authority.**

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

417 **16.20.045 Collection of charges or rates and exemptions.**

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

430 **16.20.050 Sunset date and dissolution of district.**

431 The Drayton Harbor shellfish protection district shall be dissolved on December 31,
432 ~~2018~~22, unless specifically extended by ordinance of the county legislative authority, or
433 upon the removal of the downgrade. The Portage Bay shellfish protection district shall
434 be dissolved and this chapter repealed on December 31, ~~2018~~22, unless specifically
435 extended by ordinance of the county legislative authority, or upon the removal of the
436 downgrade. The Birch Bay shellfish protection district shall be dissolved and this chapter
437 repealed on December 31, ~~2018~~22, unless specifically extended by ordinance of the
438 county legislative authority, or upon the removal of the downgrade. These districts may
439 also be dissolved by the county legislative authority by ordinance. The county legislative
440 authority shall review the continued need for these districts four months prior to their
441 sunset dates. (Ord. 2014-058, Ord. 2012-055; Ord. 2010-046; Ord. 2009-042; Ord.

442 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 2000-
443 028; Ord. 98-069; Ord. 98-019 Att. C; Ord. 95-036).

444 **16.20.060 Relationship with other entities.**

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

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

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

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

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

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

470

471 **16.20.090 Severability.**

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