



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2019-042

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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:	

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### 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.

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### HISTORY OF LEGISLATIVE FILE

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

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**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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4  
5  
6 ORDINANCE NO. 2019-006

7  
8 AMENDING WHATCOM COUNTY CODE 16.20  
9 WHATCOM COUNTY SHELLFISH PROTECTION DISTRICT  
10

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,

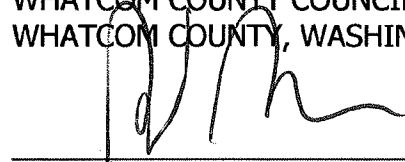
43 NOW THEREFORE, BE IT ORDAINED by the Whatcom County Council that the sunset  
44 dates for the Drayton Harbor Shellfish Protection District, the Portage Bay Shellfish  
45 Protection District, and the Birch Bay Shellfish Protection District shall be extended to  
46 December 31, 2022, as indicated 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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59 Clerk of the Council

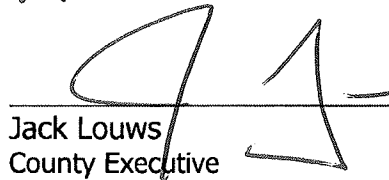
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Rud Browne, Council Chair

62 APPROVED AS TO FORM:

Approved ( ) Denied

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65  11/20/18  
66 Christopher Quinn  
67 Senior Deputy Prosecuting Attorney-Civil Division  
68

  
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 Northwesterly right-of-way line of the GNRR (BNSF)  
278 Spur; Thence Southwesterly one mile, more or less, along said Northwesterly 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 841 feet, 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).