



Whatcom County

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

Agenda Bill Master Report

File Number: AB2022-661

File ID:	AB2022-661	Version:	1	Status:	Adopted
File Created:	11/08/2022	Entered by:	jsmiley@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance		
Assigned to:	Council Climate Action and Natural Resources Committee			Final Action:	12/06/2022
Agenda Date:	12/06/2022	Enactment #:	ORD 2022-094		

Primary Contact Email: SDraper@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The attached ordinance amends Whatcom County Code 16.20, Whatcom County Shellfish Protection Districts, by extending the sunset date for the Drayton Harbor, Portage Bay, and Birch Bay Shellfish Protection Districts to December 31, 2026 so that necessary improvements in water quality may be achieved in these districts

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
11/22/2022	Council	INTRODUCED	Council Climate Action and Natural Resources Committee
		Aye: 7	Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
		Nay: 0	
		Absent: 0	
12/06/2022	Council Climate Action and Natural Resources Committee	RECOMMENDED FOR ADOPTION	
		Aye: 3	Donovan, Elenbaas, and Galloway
		Nay: 0	
		Absent: 0	
12/06/2022	Council	ADOPTED	
		Aye: 6	Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

Nay: 0
Absent: 1 Kershner

Attachments: Staff Memo, Proposed ordinance

1 Drayton Harbor/Portage Bay/Birch Bay Shellfish Ord. 2022

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

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6 ORDINANCE NO. 2022- 094

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 2019-
25 006, 2014-058, 2012-055 and 2010-046 extending the sunset date for the Drayton
26 Harbor, 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, the Whatcom County Council adopted Ordinance 2020-031 waiving the term
30 limit for advisory committee members; and

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

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

38 WHEREAS, the Birch Bay Watershed and Aquatic Resources Management
39 (BBWARM) District provides oversight and recommendations regarding water quality
40 issues including issues related to shellfish protection and serves as the Birch Bay
41 Shellfish Protection District advisory committee, and

42 NOW THEREFORE, BE IT ORDAINED by the Whatcom County Council that the
43 sunset dates for the Drayton Harbor Shellfish Protection District, the Portage Bay
44 Shellfish Protection District, and the Birch Bay Shellfish Protection District shall be
45 extended to December 31, 2026, as indicated in Exhibit A to this Ordinance.

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47 ADOPTED this 6th day of December, 2022.

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ATTEST:

Clerk of the Council

APPROVED AS TO FORM:

13/Christopher Quinn 11-9-22 by JS
Christopher Quinn
Senior Deputy Prosecuting Attorney-Civil Division

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Todd Donovan
Todd Donovan, Council Chair

Approved () Denied

Satpal Singh Sidhu
Satpal Singh Sidhu
County Executive

64 **Chapter 16.20**
65 **WHATCOM COUNTY SHELLFISH PROTECTION DISTRICTS**

66 Sections:

- 67 16.20.010 Establishment and authority of district.
- 68 16.20.015 Purpose.
- 69 16.20.016 Establishment of program.
- 70 16.20.020 District boundaries.
- 71 16.20.040 Revenue authority.
- 72 16.20.045 Collection of charges or rates and exemptions.
- 73 16.20.050 Sunset date and dissolution of district.
- 74 16.20.060 Relationship with other entities.
- 75 16.20.065 Advisory groups.
- 76 16.20.090 Severability.

77 **16.20.010 Establishment and authority of district.**

78 There is hereby established the Drayton Harbor, Portage Bay, and Birch Bay shellfish
79 protection districts under the authority of Chapter 90.72 RCW, Shellfish Protection
80 Districts. (Ord. 2019-006 Exh. A, Ord. 2014-058 Exh. A, Ord. 2012-055 Exh. A; Ord.
81 2010-046 Exh. A; Ord. 2009-042 Att. C; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A;
82 Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).

83 **16.20.015 Purpose.**

84 The purpose of these districts is to provide services to citizens experiencing nonpoint
85 pollution of surface water drainages and coastal waters and to implement those
86 portions of the Drayton Harbor, Portage Bay, and Birch Bay closure response strategies
87 necessary to allow removal of the Drayton Harbor, Portage Bay, and Birch Bay
88 downgrades and maintain year-round shellfish harvest. (Ord. 2019-006 Exh. A, Ord.
89 2014-058 Exh. A, Ord. 2012-055; Ord. 2010-046 Exh. A; Ord. 2009-042 Att. C; Ord.
90 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019
91 Att. C; Ord. 95-036).

92 **16.20.016 Establishment of program.**

93 The Birch Bay Initial Closure Response Strategy, dated April 28, 2009, is hereby
94 adopted as the Birch Bay shellfish protection program. The Portage Bay Initial Closure
95 Response Strategy, dated February 10, 1998, and updated as the Portage Bay Shellfish
96 Recovery Plan- 2014 Update (Res. 2014-027) is hereby adopted as the Portage Bay
97 shellfish protection program. The Drayton Harbor Shellfish Growing Area Initial Closure
98 Response Strategy, dated May 1995, and updated as the Drayton Harbor Shellfish
99 Protection District Recovery Plan- 2007 Update (Res. 2007-024) is hereby adopted as
100 the Drayton Harbor shellfish protection plan. (Ord. 2019-006 Exh. A, Ord. 2014-058

101 Exh. A, Ord. 2012-055 Exh. A; Ord. 2010-046 Exh. A; Ord. 2009-042 Att. C; Ord. 2008-
102 055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C).

103 **16.20.020 District boundaries.**

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

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

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

136 Commencing on the forty-ninth parallel at the intersection of Markworth Road; thence
137 easterly along said international boundary line to the easterly section line of Township
138 41 North, Range 3 East, Section 35; thence southerly along said section line to the
139 intersection of Halverstick Road; thence westerly along the centerline of Halverstick

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

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

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

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

226 Range 1 West, Sections 2 through 18, 21,22,23, 24, and 28, Township 39 North, Range
227 1 East, and Sections 19, 20, 29, 30, 31, 32, 33, Township 40 North, Range 1 East, of
228 Willamette Meridian; said Sub Flood Zone boundary more particularly described as
229 follows: (For the purposes of this description Section, Township, and Range may be
230 abbreviated as Section #, T # N., R # E. or W. and abbreviations NE for Northeast, NW
231 for Northwest, SW for Southwest, and SE for Southeast may be used.)

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

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

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

357 660 feet, more or less, to the North line of the SE ¼ of the NE ¼ of said Section 28;
358 Thence Southeasterly 725 feet, more or less, to a point on the North line of the South
359 ½ of the SE ¼ of the NE ¼ of said Section 28 and 600 feet Westerly of the East line of
360 said Section 28; Thence Southwesterly 772 feet, more or less, to a point on the South
361 line of said NE ¼ and 1000 feet Westerly of the East line of said Section 28; Thence
362 Southerly, parallel with the East line of said Section 28, 200 feet; Thence Westerly,
363 parallel with the East-West Center Section Line of said Section 28, 500 feet; Thence
364 Southwesterly 665 feet, more or less, to the midpoint of the East line of the West ½ of
365 the NW ¼ of the SE ¼ of said Section 28; Thence Southwesterly 675 feet, more or
366 less, to a point on the North-South Center Section Line of said Section 28 and 800 feet
367 South of the Center of said Section 28; Thence Northwesterly 1037 feet, more or less,
368 to the Northwest corner of the East ½ of the NE ¼ of the SW ¼ of said Section 28;
369 Thence Northwesterly 1476 feet, more or less, to the center of the NW ¼ of said
370 Section 28; Thence Northeasterly 1322 feet, more or less, to a point on the North Line
371 of said Section 28 and 1245 feet Westerly of the North ¼ Corner of said Section 28;
372 Thence Northeasterly ¼ mile, more or less, to the point of intersection of the centerline
373 of Rainbow Road with the East-West centerline of the SW ¼ of Section 21, T. 39 N., R.
374 1 E.; Thence Northwesterly 0.4 miles, more or less, along said centerline of Rainbow
375 Road to the South line of the North ½ of the SW ¼ of the NW ¼ of said Section 21;
376 Thence Northwesterly 752 feet, more or less, to the midpoint of the North line of the
377 West ½ of said SW ¼ of the NW ¼; Thence Northerly 1320 feet, more or less, parallel
378 with the West line of said Section 21, to North Line of said Section 21; Thence
379 Northeasterly 1650 feet, more or less, to the center of the SW ¼ of Section 16, T. 39
380 N., R. 1 E.; Thence Northeasterly 1361 feet, more or less, to a point on the East-West
381 Center Section Line of said Section 16 and 990 feet Westerly of the Center of said
382 Section 16; Thence Northeasterly 0.4 miles, more or less, to the Southeast corner of Lot
383 2, Lake Terrell Mobile Ranch Short Plat; Thence Northwesterly 483 feet, more or less, to
384 a point on the South Line of Section 9, T. 39 N., R. 1 E. and 208 feet Westerly of the SE
385 corner of the SW ¼ of the SE ¼ of the SW ¼ of said Section 9; Thence Northwesterly
386 1023 feet, more or less, to the midpoint of the North line of the South 330 feet of the
387 North ¾ of the East ½ of the SW ¼ of the SW ¼ of said Section 9; Thence
388 Southwesterly 1190 feet, more or less, to the Southwest Corner of said Section 9;
389 Thence Southwesterly 1650 feet, more or less, to the SW corner of the North ¾ of the
390 NE ¼ of the NE ¼ of Section 17, T. 39 N., R. 1 E.; Thence Southwesterly 1325 feet,
391 more or less, to a point on the North-South Center Section Line of said Section 17 and
392 1100 Southerly of the North ¼ Corner of said Section 17; Thence Southwesterly 696
393 feet, more or less, to the midpoint of the South line of the NE ¼ of the NW ¼ of said
394 Section 17; Thence Northwesterly 696 feet, more or less, to a point on the West line of
395 said NE ¼ of the NW ¼ and 1100 feet Southerly of the NW corner of said NE ¼ of the
396 NW ¼; Thence Northwesterly 1354 feet, more or less, to a point on the West Line of
397 said Section 17 and 800 feet Southerly of the NW Corner of said Section 17; Thence
398 Northwesterly 5284 feet, more or less, to a point on the East Line of Section 13, T. 39
399 N., R. 1 W. and 600 feet Southerly of the NE Corner of said Section 13; Thence
400 Southerly 5000 feet, more or less, along said East Line of Section 13 and the East Line

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

405 (Ord. 2019-006 Exh. A; Ord. 2014-058 Exh. A; Ord. 2012-055 Exh. A; Ord. 2010-046
406 Exh. A; Ord. 2009-042 Att. C; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-
407 061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).

408 **16.20.040 Revenue authority.**

409 The revenue authorities granted under Chapter 90.72 RCW shall be exercised at the
410 discretion of the board of supervisors, which shall be the county council for the
411 operation of these districts. (Ord. 2019-006 Exh. A; Ord. 2014-058 Exh. A; Ord. 2012-
412 055 Exh. A; Ord. 2010-046 Exh. A; Ord. 2009-042 Att. C; Ord. 2008-055 Exh. A; Ord.
413 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 98-019 Att. C; Ord. 95-036).

414 **16.20.045 Collection of charges or rates and exemptions.**

415 Property owners within these shellfish protection districts may be assessed charges or
416 rates as allowed by Chapter 90.72 RCW to finance the shellfish protection programs.
417 The owner of any property within a shellfish protection district which is exempt from
418 charges or rates because such property is subject to the National Pollution Discharge
419 Elimination System as specified in RCW 90.72.070 shall demonstrate such exemption
420 annually to the county assessor. If evidence of exemption is not provided, the property
421 will automatically convert from exempt status and the property will be subject to
422 charges or rates. Land exempt from charges and rates as specified in RCW 90.72.070
423 because of its forest land classification will automatically convert from exempt status if
424 the land classification changes and will be subject to charges or rates. (Ord. 2019-006
425 Exh. A; Ord. 2014-058 Exh. A; Ord. 2012-055 Exh. A; Ord. 2010-046 Exh. A; Ord. 2009-
426 042 Att. C; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-
427 069; Ord. 98-019 Att. C).

428 **16.20.050 Sunset date and dissolution of district.**

429 The Drayton Harbor shellfish protection district shall be dissolved on December 31,
430 2026, unless specifically extended by ordinance of the county legislative authority, or
431 upon the removal of the downgrade. The Portage Bay shellfish protection district shall
432 be dissolved and this chapter repealed on December 31, 2026, unless specifically
433 extended by ordinance of the county legislative authority, or upon the removal of the
434 downgrade. The Birch Bay shellfish protection district shall be dissolved and this chapter
435 repealed on December 31, 2026, unless specifically extended by ordinance of the
436 county legislative authority, or upon the removal of the downgrade. These districts may
437 also be dissolved by the county legislative authority by ordinance. The county legislative

438 authority shall review the continued need for these districts four months prior to their
439 sunset dates. (Ord. 2019-006 Exh. A; Ord. 2014-058 Exh. A; Ord. 2012-055 Exh. A;
440 Ord. 2010-046 Exh. A; Ord. 2009-042 Att. C; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh.
441 A; Ord. 2004-061; Ord. 2002-069; Ord. 2000-028; Ord. 98-069; Ord. 98-019 Att. C;
442 Ord. 95-036).

443 **16.20.060 Relationship with other entities.**

444 No program or activity proposed by the district shall replace or consolidate existing
445 activities performed by cities or other non-County provided water-related special
446 purpose districts without their consent. In formulating new programs, consultation and
447 coordination shall occur with cities and other water-related special districts. (Ord. 2019-
448 006 Exh. A; Ord. 2014-058 Exh. A; Ord. 2012-055 Exh. A; Ord. 2010-046 Exh. A; Ord.
449 2009-042 Att. C; Ord. 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord.
450 2002-069; Ord. 2000-028; Ord. 98-069; Ord. 98-019 Att. C; Ord. 95-036).

451 **16.20.065 Advisory groups.**

- 452 A. The advisory committees shall comply with Whatcom County Code (WCC) 2.03,
453 Boards and Commissions.
- 454 B. The board of supervisors shall appoint advisory committees of not more than 11
455 members to advise on the overall operations of the Drayton Harbor and Portage
456 Bay Shellfish Protection Districts. Two positions on each of the advisory
457 committees will be available for tribal representation. In establishing district
458 advisory committees, all members shall have a direct interest in the district.
- 459 C. Shellfish protection district advisory duties will be assigned to the Birch Bay
460 Water and Aquatic Resources Management (BBWARM) District Advisory
461 Committee, an existing advisory committee that provides recommendations on
462 projects and programs to protect water quality in the Birch Bay watershed.
- 463 D. Member terms will be four years, unless otherwise required by the Revised Code
464 of Washington (RCW). Council may waive the term limit requirements of WCC
465 2.03 on a case-by-case basis as it applies to this Chapter.
- 466 E. Each advisory committee shall dissolve when its related district dissolves per
467 WCC 16.20.050. (Ord. 2020-031 Exh. A, Ord. 2019-006 Exh. A; Ord. 2014-058
468 Exh. A; Ord. 2012-055 Exh. A; Ord. 2010-046 Exh. A; Ord. 2009-042 Att. C; Ord.
469 2008-055 Exh. A; Ord. 2007-003 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord.
470 2000-028; Ord. 98-069; Ord. 98-019 Att. C; Ord. 95-036).

471

472 **16.20.090 Severability.**

473 If any provision of this chapter is found to be invalid, all remaining provisions shall
474 continue in effect. (Ord. 2019-006 Exh. A; Ord. 2014-058 Exh. A; Ord. 2012-055 Exh.
475 A; Ord. 2010-046 Exh. A; Ord. 2009-042 Att. C; Ord. 2008-055 Exh. A; Ord. 2007-003
476 Exh. A; Ord. 2004-061; Ord. 2002-069; Ord. 2000-028; Ord. 98-069; Ord. 98-019 Att.
477 C; Ord. 95-036).