Ordinance Amending Whatcom County Code 16.20 Whatcom County Shellfish Protection Districts

The attached ordinance extends the sunset date for the Drayton Harbor, Portage Bay, and Birch Bay Shellfish Protection Districts to December 31, 2014. 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.
ORDINANCE NO. 2012-055

AMENDING WHATCOM COUNTY CODE 16.20
WHATCOM COUNTY SHELLFISH PROTECTION DISTRICT

WHEREAS, on July 18, 1995, the Whatcom County Council adopted
Ordinance 95-036, creating the Drayton Harbor Shellfish Protection District, with a
sunset date of December 31, 1998; and

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

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

WHEREAS, the Whatcom County Council subsequently adopted Ordinances 98-
sunset date for the Drayton Harbor and Portage Bay Shellfish Protection Districts by two
years; and

WHEREAS, on October 12, 2010, the Whatcom County Council subsequently
adopted Ordinance 2010-046 extending the sunset date for the Drayton Harbor,
Portage Bay, and Birch Bay Shellfish Protection Districts by two years; and

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

WHEREAS, work needs to continue to ensure that approved shellfish harvest
areas maintain “approved” status, and remaining “conditionally approved” and
“prohibited” areas are reopened, and

NOW THEREFORE, BE IT ORDAINED by the Whatcom County Council that the
sunset dates for the Drayton Harbor Shellfish Protection District, the Portage Bay
Shellfish Protection District, and the Birch Bay Shellfish Protection District shall be
extended to December 31, 2014, as indicated in Exhibit A to this Ordinance.
ADOPTED this 4th day of December, 2012.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

( ) Approved ( ) Denied

Jack Louws
County Executive

Daniel L. Gibson
Senior Civil Deputy Prosecuting Attorney

Clerk of the Council

APPROVED AS TO FORM:

Daniel L. Gibson
Chapter 16.20
WHATCOM COUNTY SHELLFISH PROTECTION DISTRICTS

Sections:

16.20.010 Establishment and authority of district.
16.20.015 Purpose.
16.20.016 Establishment of program.
16.20.020 District boundaries.
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16.20.050 Sunset date and dissolution of district.
16.20.060 Relationship with other entities.
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16.20.010 Establishment and authority of district.

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

16.20.015 Purpose.

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

16.20.016 Establishment of program.


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

Commencing on the forty-ninth parallel at the point dividing the American and Canadian territory in the Gulf of Georgia; thence easterly along said international boundary line to the intersection of Markworth Road; thence southerly along the centerline of Markworth Road to the intersection of Badger Road; thence easterly along the centerline of Badger Road to the intersection of Glendale Road; thence southerly along the centerline of Glendale Road to the intersection of Loomis Trail Road; thence westerly along the centerline of Loomis Trail Road to the intersection of Bob Hall Road; thence southerly along the centerline of Bob Hall Road to the intersection of Birch Bay Lynden Road; thence westerly along the centerline of Birch Bay Lynden Road to the intersection of Woodland Road; thence southerly along the centerline of Woodland Road to the intersection of Harksell Road; thence easterly along the centerline of Harksell Road to the intersection of Enterprise Road; thence southerly along the centerline of Enterprise Road to the intersection of Aldergrove Road; thence westerly along the centerline of Aldergrove Road to the intersection of Olson Road; thence northerly along the centerline of Olson Road to the intersection of Grandview Road; thence westerly along the centerline of Grandview Road to the intersection of Valley View Road; thence northerly along the centerline of Valley View Road to the intersection of Bay Road; thence westerly along the centerline of Bay Road to the intersection of Kickerville Road; thence northerly along the centerline of Kickerville Road to the intersection of Birch Bay Lynden Road; thence westerly along the centerline of Birch Bay Lynden Road to the intersection of Blaine Road; thence northerly along the centerline of Blaine Road to the intersection of Lincoln Road; then westerly along the centerline of Lincoln Road to where it becomes Semiahmoo Parkway; thence following the centerline of Semiahmoo Parkway to the intersection of Drayton Harbor Road; thence following a line running off-shore to the point of origin in the Gulf of Georgia, plotted in such a manner as to follow existing boundaries of land parcels.

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

Commencing on the forty-ninth parallel at the intersection of Markworth Road; thence easterly along said international boundary line to the easterly section line of Township 41 North, Range 3 East, Section 35; thence southerly along said section line to the intersection of Halverstick Road; thence westerly along the centerline of Halverstick Road to the easterly section line of Township 40 North, Range 3 East, Section 3; thence southerly along said section line to the northerly line of Township 40 North, Range 3 East, Section 11; thence easterly along said section line to the easterly section line of Township 40 North, Range 3 East, Section 11; thence southerly along said section line to the intersection of East Badger Road; thence easterly along the centerline of East
Badger Road to the intersection of Trap Line Road; thence southerly along the
centerline of Trap Line Road to the intersection with the City Limits of Everson; thence
proceeding easterly along the City Limits of Everson to the intersection with the City
Limits of Nooksack; thence proceeding along the City Limits of Nooksack to the easterly
section line of Township 40 North, Range 4 East, Section 31; thence southerly along
said section line to the northerly section line of Township 39 North, Range 4 East,
Section 5; thence easterly along said section line to the intersection with Nooksack
Road; thence southerly along the centerline of Nooksack Road to the intersection with
Hopewell Road; thence easterly along the centerline of Hopewell Road to the
intersection with Lawrence Road; thence southerly along the centerline of Lawrence
Road to the northerly section line of Township 39 North, Range 4 East, Section 21;
thence easterly along said section line to the westerly section line of Township 39
North, Range 4 East, Section 13; thence northerly along said section line to the
northerly section line of Township 39 North, Range 4 East, Section 1; thence easterly
along said section line to the westerly section line of Township 40 North, Range 5 East,
Section 31; thence northerly along said section line to the northerly section line of
Township 40 North, Range 5 East, Section 31; thence easterly along said section to the
westerly line of Township 40 North, Range 5 East, Section 28; thence northerly along
said section line to the northerly line of Township 40 North, Range 5 East, Section 4;
thence easterly along said section line to the westerly section line of Township 41
North, Range 5 East, Section 34; thence northerly along said section to the 49th
parallel; thence easterly along the 49th parallel to the easterly section line of Township
41 North, Range 5 East, Section 36; thence southerly along said section line to the
northerly section line of Township 40 North, Range 6 East, Section 6; thence easterly
along said section line to the easterly section line of Township 40 North, Range 6 East,
Section 5; thence southerly along said section line to the northerly section line of Township
40 North, Range 6 East, Section 9; thence easterly along said section line to the
National Forest Boundary; thence proceeding southerly along said National Forest
Boundary to the boundary between Whatcom County and Skagit County; thence
westerly along said County boundary to the westerly section line of Township 37 North,
Range 5 East, Section 34; thence northerly along said section line to the southerly
section line of Township 37 North, Range 5 East, Section 21; thence westerly along said
section line to the westerly section line of Township 37 North, Range 5 East, Section
21; thence northerly along said section line to the southerly section line of Township 37
North, Range 5 East, Section 17; thence westerly along said section line to the westerly
section line of Township 37 North, Range 4 East, Section 13; thence northerly along
said section line to the southerly section line of Township 37 North, Range 4 East,
Section 11; thence westerly along said section line to the westerly section line of
Township 37 North, Range 4 East, Section 11; thence northerly along said section line
to the southerly section line of Township 38 North, Range 4 East, Section 15; thence
westerly along said section line to the westerly section line of Township 38 North,
Range 4 East, Section 17; thence northerly along said section line to the southerly
section line of Township 38 North, Range 4 East, Section 7; thence westerly along said
section line to the westerly section line of Township 38 North, Range 4 East, Section 7;
thence northerly along said section line to the intersection of East Smith Road; thence westerly along the centerline of East Smith Road to the easterly section line of Township 39 North, Range 3 East, Section 31; thence southerly along said section line to the intersection of Kelly Road; thence westerly along the centerline of Kelly Road to the intersection of Guide Meridian; thence southerly along the centerline of Guide Meridian to the southerly section line of Township 38 North, Range 2 East, Section 1; thence westerly along said section line to the easterly section line of Township 38 North, Range 2 East, Section 11; thence southerly along said section line to the southerly line of Township 38 North, Range 2 East, Section 11; thence westerly along said section line to the easterly section line of Township 38 North, Range 2 East, Section 16; thence southerly along said section line to the intersection with Bellingham Bay; thence recommencing at the westerly section line of Township 38 North, Range 2 East, Section 20 in the Nooksack Delta; thence northerly along said section line to the northerly section line of Township 38 North, Range 2 East, Section 17; thence easterly along said section line to the centerline of the Nooksack River; thence following the centerline of the Nooksack River to the intersection with the City Limits of Ferndale; thence westerly, proceeding along the City Limits of Ferndale to the intersection with Mt. View Road; thence westerly along the centerline of Mt. View Road to the intersection with the City Limits of Ferndale; thence northerly, proceeding along the City Limits of Ferndale to the intersection with Church Road; thence northerly along the centerline of Church Road to the intersection of Aldergrove Road; thence easterly along the centerline of Aldergrove Road to the intersection of Enterprise Road; thence northerly along the centerline of Enterprise Road to the intersection of Harksell Road; thence westerly along the centerline of Harksell Road to the intersection of Woodland Road; thence northerly along the centerline of Woodland Road to the intersection of Birch Bay-Lynden Road; thence easterly along the centerline of Birch Bay-Lynden Road to the intersection of Bob Hall Road; thence northerly along the centerline of Bob Hall Road to the intersection of Loomis Trail Road; thence easterly along the centerline of Loomis Trail Road to the intersection of Glendale Road; thence northerly along the centerline of Glendale Road to the intersection of West Badger Road; thence westerly along the centerline of West Badger Road to the intersection of Markworth Road; thence northerly along the centerline of Markworth Road to the forty-ninth parallel, POB.

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

The Birch Bay Stormwater Management Plan Sub Flood Zone comprises all or portions of Sections 10, 11, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, and 36, Township 40 North, Range 1 West, Sections 1, 2, 3, 10, 11, 12, 13, 14, and 24, Township 39 North, Range 1 West, Sections 2 through 18, 21, 22, 23, 24, and 28, Township 39 North, Range 1 East, and Sections 19, 20, 29, 30, 31, 32, 33, Township 40 North, Range 1 East, of Willamette Meridian; said Sub Flood Zone boundary more particularly described as follows: (For the purposes of this description Section, Township, and Range may be
abbreviated as Section #, T # N., R # E. or W. and abbreviations NE for Northeast, NW for Northwest, SW for Southwest, and SE for Southeast may be used.)

Commencing at the point of intersection of the Line of Ordinary High Tide of Semiahmoo Bay with the Southwesterly line of Tract A, Plat of Boundary Ridge in Section 10, T. 40 N., R. 1 W., said point being the True Point of Beginning; Thence Southeasterly along said Southwesterly line of Tract A, and the Southeasterly extension thereof, 646 feet, more or less, to the centerline of Semiahmoo Parkway; Thence generally Southerly along the centerline of Semiahmoo Parkway 1.5 miles, more or less, to the North-South Center Section Line of Section 14, T. 40 N., R. 1 W.; Thence Northeasterly 750 feet, more or less, to a point 350 feet due South of the most Westerly corner of Lot 65, Saint Andrew's Green Division IV – Phase A; Thence Southeasterly 2000 feet, more or less, to the ¼ Section Corner common to Sections 13 and 14, T. 40 N., R. 1 W.; Thence Southeasterly 1360 feet, more or less, to the SE corner of the North 10 acres of the West ½ of the SW ¼ of said Section 13; Thence Southeasterly 2214 feet, more or less, to the SE corner of the West 20 acres of the NW ¼ of the SE ¼ of said Section 13; Thence Southeasterly 2380 feet, more or less, to the NE Corner of Section 19, T. 40 N., R. 1 E.; Thence Southeasterly 1000 feet, more or less, to the intersection of the centerlines of Seafair Drive and Oakridge Drive, Plat of Harborview Estates; Thence Southeasterly 450 feet, more or less, to the SE corner of Lot 17, said Plat of Harborview Estates; Thence Southeasterly 500 feet, more or less, to the intersection of the centerlines of Glendale Drive and Bayshore Drive, Plats of said Harborview Estates and Lincoln Green, Division No. 1; Thence Easterly 1015.73 feet along the centerline of said Bayshore Drive to the center of the cul-de-sac at the Easterly end of said Bayshore Drive; Thence Southeasterly 200 feet, more or less, to the NW corner of the SW ¼ of the NE ¼ of said Section 19; Thence Southeasterly 2820 feet, more or less, to the NW corner of the South 330 feet of the SW ¼ of the NW ¼ of Section 20, T. 40 N., R. 1 E.; Thence Southeasterly 2750 feet, more or less, to the NE corner of Croft's Short Plat; Thence Easterly 440 feet, more or less, to the NE corner of the SE ¼ of the SW ¼ of said Section 20; Thence Southeasterly 1554 feet, more or less, to a point on the Section Line common to said Sections 20 and 29, T. 40 N., R. 1 E., 500 feet Westerly of the NE corner of the NW ¼ of the NE ¼ of said Section 29; Thence Southwesterly 1554 feet, more or less, to the SW corner of said NW ¼ of the NE ¼ of said Section 29; Thence Southeasterly ¼ mile, more or less to the SE corner of Lot 92, plat of Double RR Ranch; Thence Southeasterly 875 feet, more or less, to the NE corner of Lot 46, said Plat of Double RR Ranch; Thence Southerly 700 feet, more or less, to the NE corner of Lot 39, said Plat of Double RR Ranch; Thence Southwesterly 540 feet, more or less, to the SW corner of Lot 26, said plat of Double RR Ranch; Thence Easterly 460 feet, more or less, to the SE corner of Lot 37, said plat of Double RR Ranch; Thence Southeasterly 962 feet, more or less, to the center of the SE ¼ of the SE ¼ of said Section 29; Thence Southeasterly 710 feet, more or less, to a point on the North line of Section 32, T. 40 N., R. 1 E. 397 feet Westerly of the NE Corner of said Section 32; Thence Southeasterly 2166 feet, more or less, to the center of the NW ¼ of Section 33, T. 40 N., R. 1 E.; Thence Easterly along the East-West centerline of said NW
¼ 660 feet, more or less to the Northwesterly right-of-way line of the GNRR (BNSF)

Spur; Thence Southwesterly one mile, more or less, along said Northwesterly right-of-way line to the Section Line common to said Section 32 and Section 5, T. 39 N., R 1 E.; Thence Southeasterly 1458 feet, more or less to the NW corner of the SW ¼ of the NW ¼ of the NW ¼ of Section 4, T. 39 N., R 1 E.; Thence Southeasterly 1476 feet, more or less, to the NW corner of the SE ¼ of the NW ¼ of said Section 4; Thence Easterly 1320 feet, more or less, to the NE corner of said SE ¼ of the NW ¼; Thence Southeasterly 3300 feet, more or less, to the NE corner of the SE ¼ of the NE ¼ of the SE ¼ of said Section 4; Thence Southeasterly 1361 feet, more or less, to the SE corner of Lot 3, Grandview Highlands Short Plat in Section 3, T. 39 N., R 1 E.; Thence Easterly 1320 feet, more or less, to the North-South Center Section Line of said Section 3; Thence Southeasterly 4290 feet, more or less, to the SE corner of the SW ¼ of the SW ¼ of Section 2, T. 39 N., R 1 E.; Thence Southeasterly 2800 feet, more or less, to the most Easterly corner of Lot A, Grandview Hill Estates Cluster Short Plat #2; Thence Southeasterly 1050 feet, more or less, to a point on the East-West Center Section Line of Section 11, T. 39 N., R 1 E., 1 rod Westerly of the NE corner of the NW ¼ of the SE ¼ of said Section 11; Thence Southwesterly 677 feet, more or less, to the midpoint of the South line of the North ½ of the East ½ of the East ½ of said NW ¼ of the SE ¼; Thence Southeasterly 841 feet, more or less, to a point on the South line of the NE ¼ of the SE ¼ of said Section 11, 355.71 feet Easterly of the SW corner of said NE ¼ of the SE ¼; Thence Southeasterly 689 feet, more or less, to a point 105 feet West of the center of the SE ¼ of the SE ¼ of said Section 11; Thence East 105 feet to said center of the SE ¼ of the SE ¼; Thence Southeasterly 933 feet, more or less, to the NE Corner of said Section 13, T. 39 N., R 1 E.; Thence Easterly 240 feet along the North line of said Section 13; Thence Southeasterly 935 feet, more or less, to the NW corner of Lot 2, Unruh Heights Short Plat; Thence Southeasterly 1462 feet, more or less, to a point on the South line of the West ½ of the NE ¼ of the NW ¼ of said Section 13, 1 rod Westerly of the SE corner of said West ½; Thence Southeasterly 1483 feet, more or less, to the Center of said Section 13; Thence Southeasterly to the SE corner of Lot 126, Plat of Pacific Highlands Division No. 4; Thence generally Southerly following along the Easterly boundary line of said Plat to the SE corner of Lot 153 of said Plat; Thence Southeasterly to the NW corner of Lot 8, Block 4, Plat of Pacific Heights Phase I, Thence Southerly along the West line of said Plat 38.51 feet; Thence Southerly 275 feet, more or less, to a point on the South line of said Section 13, 285.5 feet West of the SE corner of the SW ¼ of the SE ¼ of said Section 13; Thence Southeasterly 1325 feet, more or less, to a point on the South line of the NW ¼ of the NE ¼ of Section 24, T. 39 N., R 1 E., 165 feet Westerly of the SE corner of said NW ¼ of the NE ¼; Thence Westerly 495 feet, more or less, along the South line of said NW ¼ of the NE ¼ to the SW corner of the SE ¼ of said NW ¼ of the NE ¼; Thence Southwesterly to a point on the North-South Center Section Line of said Section 24, 300 feet Southerly of the NE corner of the SE ¼ of the NW ¼ of said Section 24; Thence Southwesterly 1063 feet, more or less, to a point on the South line of said SE ¼ of the NW ¼, 300 feet Westerly of the SE corner of said SE ¼ of the NW ¼; Thence Northwesterly 1072 feet, more or less, to a point on the West line of said SE ¼ of the NW ¼, 330 feet Northerly of the
SW corner of said SE ¼ of the NW ¼; Thence Northerly 990 feet, more or less, along
the West line of said SE ¼ of the NW ¼ to the center of the NW ¼ of said Section 24;
Thence Northwesterly 738 feet, more or less, to the center of the South ½ of the NW
¼ of the NW ¼ of said Section 24; Thence Northwesterly 467 feet, more or less, to a
point on the South line of the North ½ of said NW ¼ of the NW ¼, 330 feet Easterly of
the SW corner of said North ½; Thence Northwesterly to a point on the North line of
said Section 24, 150 feet Easterly of the NW Corner of said Section 24; Thence
Northwesterly 427 feet, more or less, to a point on the West line of Section 13, T. 39
N., R. 1 E., 400 feet Northerly of the SW corner of said Section 13; Thence West 200
feet; Thence Southerly 400 feet, more or less, to a point on the South line of Section
14, T. 39 N., R. 1 E., 200 feet Westerly of the SE corner of said Section 14; Thence
Southwesterly 1300 feet, more or less, to the Northeast corner of the SE ¼ of the NW
¼ of the NE ¼ of Section 23, T. 39 N. R. 1 E.; Thence Southerly 660 feet, more or less,
to the center of the NE ¼ of said Section 23; Thence Northwesterly 1361 feet, more or
less, to the Northwest corner of the South 330 feet of the West ½ of the NW ¼ of the
NE ¼ of said Section 23; Thence Northerly 330 feet, more or less, to the Northwest
corner of the SW ¼ of said NW ¼ of the NE ¼; Thence Northwesterly 933 feet, more
or less, to the Northwest corner of the NE ¼ of the NE ¼ of the NW ¼ of said Section
23; Thence Westerly 2280 feet, more or less, along Section Line common to said
Sections 14 and 23, and Sections 15 and 22, T. 39 N., R 1 E. to a point 300 feet
Westerly of the Northeast Corner of said Section 22; Thence Southerly 1980 feet, more
or less, parallel with the East line of said Section 22, to the North line of the South 1/2
of the SE ¼ of the NE ¼ of said Section 22; Thence Southwesterly 752 feet, more or
less, to the midpoint of the North line of the NE ¼ of the SE ¼ of said Section 22;
Thence Southerly 330 feet, more or less, to the South line of the North 330 feet of said
NE ¼ of the SE ¼; Thence Southwesterly 955 feet, more or less, to a point on the
West line of said NE ¼ of the SE ¼ and 300 feet Northerly of the SW corner of said NE
¼ of the SE ¼; Thence Southwesterly 1063 feet, more or less to a point on the North
line of the SW ¼ of the SE ¼ 300 feet Easterly of the NW corner of said SW ¼ of the
SE ¼; Thence Southwesterly 424 feet, more or less, to a point on the West line of said
SW ¼ of the SE ¼ 300 feet Southerly of the NW corner of said SW ¼ of the SE ¼;
Thence Southwesterly 752 feet, more or less, to the NE corner of Lake Terrell Short
Plat; Thence Southwesterly 738 feet, more or less, to the SW corner of Lot A, Lake
Terrell Short Plat; Thence Northwesterly 1361 feet, more or less, to the NW corner of
the South ½ of the SW ¼ of the SW ¼ of said Section 22; Thence West 400 feet;
Thence Southwesterly 690 feet, more or less, to a point on the South line of Section 21,
T. 39 N., R. 1 E. and 600 feet Westerly of the SE corner of said Section 21; Thence
Southwesterly 725 feet, more or less, to a point on the North line of the South 1/2 of the
NE ¼ of the NE ¼ of Section 28, T. 39 N., R. 1 E. and 900 feet Westerly of the East
line of said Section 28; Thence Southerly, parallel with the East line of said Section 28,
660 feet, more or less, to the North line of the SE ¼ of the NE ¼ of said Section 28;
Thence Southeasterly 725 feet, more or less, to a point on the North line of the South
½ of the SE ¼ of the NE ¼ of said Section 28 and 600 feet Westerly of the East line of
said Section 28; Thence Southwesterly 772 feet, more or less, to a point on the South
line of said NE ¼ and 1000 feet Westerly of the East line of said Section 28; Thence Southerly, parallel with the East line of said Section 28, 200 feet; Thence Westerly, parallel with the East-West Center Section Line of said Section 28, 500 feet; Thence Southwesterly 665 feet, more or less, to the midpoint of the East line of the West ½ of the NW ¼ of the SE ¼ of said Section 28; Thence Southwesterly 675 feet, more or less, to a point on the North-South Center Section Line of said Section 28 and 800 feet South of the Center of said Section 28; Thence Northwesterly 1037 feet, more or less, to the Northwest corner of the East ½ of the NE ¼ of the SW ¼ of said Section 28; Thence Northwesterly 1476 feet, more or less, to the center of the NW ¼ of said Section 28; Thence Northeasterly 1322 feet, more or less, to a point on the North Line of said Section 28 and 1245 feet Westerly of the North ¼ Corner of said Section 28; Thence Northeasterly ¼ mile, more or less, to the point of intersection of the centerline of Rainbow Road with the East-West centerline of the SW ¼ of Section 21, T. 39 N., R. 1 E.; Thence Northwesterly 0.4 miles, more or less, along said centerline of Rainbow Road to the South line of the North ½ of the SW ¼ of the NW ¼ of said Section 21; Thence Northwesterly 752 feet, more or less, to the midpoint of the North line of the West ½ of said SW ¼ of the NW ¼; Thence Northerly 1320 feet, more or less, parallel with the West line of said Section 21, to North Line of said Section 21; Thence Northeasterly 1650 feet, more or less, to the center of the SW ¼ of Section 16, T. 39 N., R. 1 E.; Thence Northeasterly 1361 feet, more or less, to a point on the East-West Center Section Line of said Section 16 and 990 feet Westerly of the Center of said Section 16; Thence Northeasterly 0.4 miles, more or less, to the Southeast corner of Lot 2, Lake Terrell Mobile Ranch Short Plat; Thence Northwesterly 483 feet, more or less, to a point on the South Line of Section 9, T. 39 N., R. 1 E. and 208 feet Westerly of the SE corner of the SW ¼ of the SE ¼ of the SW ¼ of said Section 9; Thence Northwesterly 1023 feet, more or less, to the midpoint of the North line of the South 330 feet of the North ¾ of the East ½ of the SW ¼ of the SW ¼ of said Section 9; Thence Southwesterly 1190 feet, more or less, to the Southwest Corner of said Section 9; Thence Southwesterly 1650 feet, more or less, to the SW corner of the North ¾ of the NE ¼ of the NE ¼ of Section 17, T. 39 N., R. 1 E.; Thence Southwesterly 1325 feet, more or less, to a point on the North-South Center Section Line of said Section 17 and 1100 Southerly of the North ¼ Corner of said Section 17; Thence Southwesterly 696 feet, more or less, to the midpoint of the South line of the NE ¼ of the NW ¼ of said Section 17; Thence Northwesterly 696 feet, more or less, to a point on the West line of said NE ¼ of the NW ¼ and 1100 feet Southerly of the NW corner of said NE ¼ of the NW ¼; Thence Northwesterly 1354 feet, more or less, to a point on the West Line of said Section 17 and 800 feet Southerly of the NW Corner of said Section 17; Thence Northwesterly 5284 feet, more or less, to a point on the East Line of Section 13, T. 39 N., R. 1 W. and 600 feet Southerly of the NE Corner of said Section 13; Thence Southerly 5000 feet, more or less, along said East Line of Section 13 and the East Line of Section 24, T. 39 N., R. 1 W. to the Line of Ordinary High Tide of the Strait of Georgia; Thence generally Northerly, following along the Line of Ordinary High Tide of the Strait of Georgia, Birch Bay, and Semiahmoo Bay, 15 miles, more or less, to the True Point of Beginning.

16.20.040 Revenue authority.

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

16.20.045 Collection of charges or rates and exemptions.

Property owners within these shellfish protection districts may be assessed charges or
rates as allowed by Chapter 90.72 RCW to finance the shellfish protection programs.
The owner of any property within a shellfish protection district which is exempt from
charges or rates because such property is subject to the National Pollution Discharge
Elimination System as specified in RCW 90.72.070 shall demonstrate such exemption
annually to the county assessor. If evidence of exemption is not provided, the property
will automatically convert from exempt status and the property will be subject to
charges or rates. Land exempt from charges and rates as specified in RCW 90.72.070
because of its forest land classification will automatically convert from exempt status if
the land classification changes and will be subject to charges or rates. (Ord. 2010-046;

16.20.050 Sunset date and dissolution of district.

The Drayton Harbor shellfish protection district shall be dissolved on December 31,
2014, unless specifically extended by ordinance of the county legislative authority, or
upon the removal of the downgrade. The Portage Bay shellfish protection district shall
be dissolved and this chapter repealed on December 31, 2014, unless specifically
extended by ordinance of the county legislative authority, or upon the removal of the
downgrade. The Birch Bay shellfish protection district shall be dissolved and this chapter
repealed on December 31, 2014, unless specifically extended by ordinance of the
county legislative authority, or upon the removal of the downgrade. These districts may
also be dissolved by the county legislative authority by ordinance. The county legislative
authority shall review the continued need for these districts four months prior to their
sunset dates. (Ord. 2010-046; Ord. 2009-042; Ord. 2008-055 Exh. A; Ord. 2007-003
C; Ord. 95-036).

16.20.060 Relationship with other entities.
No program or activity proposed by the district shall replace or consolidate existing
activities performed by cities or other non-County provided water-related special
purpose districts without their consent. In formulating new programs, consultation and
coordination shall occur with cities and other water-related special districts. (Ord. 2010-
2002-069; Ord. 98-019 Att. C; Ord. 95-036).

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

B. The board of supervisors shall appoint advisory committees of not more than 11
members to advise on the overall operations of these districts. Two positions on
each of the advisory committees will be available for tribal representation. In
establishing district advisory committees, all members shall have a direct interest
in the district. (Ord. 2010-046; Ord. 2009-042 Att. C; Ord. 2008-055 Exh. A;
95-036).

C. As of January 31, 2013, the four most recently appointed members on each
advisory committee shall serve a three-year term ending on January 31, 2016.
The remaining members of each advisory committee shall serve a four-year term
ending on January 31, 2017. Thereafter, member terms will be four years,
unless otherwise required by the Revised Code of Washington (RCW).

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

16.20.090 Severability.

If any provision of this chapter is found to be invalid, all remaining provisions shall