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**PROPOSED BY: KERSHNER**  
**INTRODUCTION DATE: \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**ADOPTING A ZONING TEXT AMENDMENT TO WHATCOM COUNTY CODE 20.40 TO  
ALLOW PROPANE RELOAD, STORAGE, AND DISTRIBUTION FACILITIES IN THE  
AGRICULTURE ZONE AS A CONDITIONAL USE UNDER CERTAIN CIRCUMSTANCES**

**WHEREAS**, Goal 8 of the Growth Management Act (GMA) in RCW 36.70A.020, with regard to Natural Resource Industries is to "maintain and enhance natural resource based industries, including productive timber, agricultural, and fisheries industries; and

**WHEREAS**, Goal 8 of the GMA is in keeping with the Whatcom County Comprehensive Plan (Chapter 8) which implements policies that encourage best management practices to support and maintain a broad-based economy of productive timber, agriculture, mineral and aquatic industries in a sustainable manner (See Countywide Planning Policy CWPP I-9); and

**WHEREAS**, in 1991 an Agricultural Resource Land Advisory Committee was formed to adopt Agricultural Resource Land Designations under the GMA, which resulted in locational criteria to designate agricultural lands which are now found in Comprehensive Plan Policy 8A-3, the actual designation of agricultural lands in the County, and the implementation of an Agricultural Protection Overlay (APO) over properties deemed to have prime agricultural soils; and

**WHEREAS**, the purpose of the APO is to promote and encourage commercial agricultural activity, meet long-term agricultural needs not otherwise met in the Agriculture Zone district, provide a reasonable mix of uses and activities that may enhance the economic resources available to the farmer, and provide for a variety of uses within the rural areas that are not inconsistent with or incompatible with the use of lands within these areas for agricultural activities; and

**WHEREAS**, the primary purpose of the Agricultural Zoning ordinance in WCC 20.40.010 is to "ensure a viable agriculture industry and to maintain the economic feasibility of supporting services," and

**WHEREAS**, propane is an essential energy to the local agriculture industry and is a supporting service that enhances and ensures the ability for agricultural goods and services to continue to be produced and marketed in our own community and beyond; and

**WHEREAS**, it is well established that propane is an essential energy source for the agricultural industry and that it supports and ensures agricultural production and marketing. Propane is a supporting service to virtually all of the agricultural activities outlined in WCC 20.40.051. For example, crop drying alone is the third largest industrial use of propane, exceeded only by the manufacturing and warehousing sectors as a whole; and

**WHEREAS**, in addition to crop drying, farms use propane for heat (both for housing livestock and for greenhouses, including cannabis production), to sterilize milk equipment, to power other vital farm equipment, and for nonchemical weed and pest control; and

**WHEREAS**, other specific uses of propane in the agriculture community include but are not limited to clean heat for dairy and chicken farms and large volume hot water needs;

1 heating of commercial greenhouses for native landscaping plants and seasonal flowers; forklift  
2 fuel for berry and apple producers; and fuel for warehouse heat and frost protection/frost  
3 control fans, barn/parlor heat, irrigation pumps, and emergency generators, to name just a  
4 few; and  
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6 **WHEREAS**, because of the longevity of storage without moisture and other  
7 contaminants, propane is also the primary fuel used in backup electrical generators to keep  
8 farmers operational during significant winter weather events; and  
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10 **WHEREAS**, propane is integral to frost prevention to protect crops in the winter for  
11 large and small farms, alike; and  
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13 **WHEREAS**, when local refineries shut down for maintenance or weather-related  
14 events, the agricultural areas in Whatcom County need an alternate source of propane  
15 distribution to meet their essential energy needs; and  
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17 **WHEREAS**, propane is also an essential energy for other rural businesses and  
18 interests, including but not limited to government services, school districts, fire stations, non-  
19 profits (such as the Opportunity Council), Lummi Nation schools, housing operations, and  
20 multiple area fish hatcheries; and  
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22 **WHEREAS**, while there has been a recent push to limit the use of natural gas and  
23 other fossil fuels, propane is not harmful to the environment. It is a liquid when stored in its  
24 containers and when it is released into the atmosphere it vaporizes and dissipates in the air.  
25 There is no contamination to groundwater, drinking water, surrounding ecosystems or any  
26 other habitats. When vaporized there are next to no ozone harming effects, and unlike natural  
27 gas, propane is not a greenhouse gas in its un-combusted state. See  
28 [https://afdc.energy.gov/fuels/propane\\_basics.html](https://afdc.energy.gov/fuels/propane_basics.html);  
29 [https://afdc.energy.gov/fuels/propane\\_benefits.html](https://afdc.energy.gov/fuels/propane_benefits.html)  
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31 **WHEREAS**, the propane industry now can produce renewable propane that is made  
32 at biodiesel refineries: See [https://www.npga.org/impact/environment/the-big-question-for-](https://www.npga.org/impact/environment/the-big-question-for-renewable-propane/)  
33 [renewable-propane/](https://www.npga.org/impact/environment/the-big-question-for-renewable-propane/)  
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35 **WHEREAS**, in the context of carbon emissions, propane is one of the cleanest energy  
36 sources available. In fact, propane is a part of the Energy Policy Act of 1992. More government  
37 funded facilities are choosing propane not only for heating and cooking but for powering their  
38 forklifts and even their fleet vehicles due to the low carbon emissions: See  
39 [https://afdc.energy.gov/vehicles/propane\\_emissions.html](https://afdc.energy.gov/vehicles/propane_emissions.html)  
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41 **WHEREAS**, propane powered irrigation systems have been on the rise for farmers.  
42 These systems can reduce a farmer's energy costs by 50%. See  
43 <https://propane.com/propane-products/irrigation-engines/>  
44

45 **WHEREAS**, if propane reload, storage, and distribution facilities are allowed in the  
46 Agriculture Zone as a Conditional Use, propane would not need to be trucked in from long  
47 distances, which would create a tremendous savings in fuel and mileage and would decrease  
48 the number of trucks on the road. For propane businesses with access to rail, initial  
49 approximate estimates for savings/decreases to fuel and mileage to the agriculture  
50 community annually are, as follows:  
51

- 52 • Approximate mileage savings: 40,000 miles/year;
- 53 • Approximate fuel savings: 6,000 gallons of diesel/year;

- Approximate decrease in current mileage/fuel expenditures: 35%.

**WHEREAS**, since allowing propane reload, storage, and distribution facilities in the Agriculture Zone would significantly decrease mileage (trucks on the road) and fuel expenditures, there would be a net positive effect on the environment as far as decreases in fuel consumption, greenhouse gas emissions, and truck traffic; and

**WHEREAS**, renewable propane is currently available via rail and can be utilized by those businesses in the Agriculture Zone that have access to rail facilities; and

**WHEREAS**, because propane generates fewer emissions than other fuels such as diesel, the federal government offers incentives related to propane through its "Clean Construction and Agriculture" program; and

**WHEREAS**, the importance of propane in agriculture is a matter of public policy in Washington State. For example, propane used to heat structures housing chickens is exempt from the retail sales/use tax under RCW 82.08.910 and RCW 82.08.910. The Washington legislature even considered extending the tax exemption to all non-highway use of propane on farms in 2007 under HB 1376/SB 5077. While the bill was ultimately tabled, that was apparently due to budget considerations, as propane's importance to agriculture was acknowledged in the House Bill Report, and only fiscal reasons were identified in opposition; and

**WHEREAS**, propane is going to continue to be essential to our local agriculture community for decades; and

**WHEREAS**, there is no question that propane reload, distribution, and storage facilities are a supporting service to virtually all agricultural uses listed in WCC 20.40.051 in keeping with WCC 20.40.010; and

**WHEREAS**, there is also no question that propane reload, distribution, and storage facilities would serve to maintain and enhance agriculture as a natural-resource based industry in Whatcom County in keeping with the GMA and Goal 8A of the County's Comprehensive Plan; and

**WHEREAS**, propane reload, storage, and distribution facilities are often able to take advantage of existing (often unoccupied) buildings on agricultural land, with little to no expansion necessary beyond already-impacted impervious surface and on land that is not currently (or anticipated) to be farmed. On larger parcels that are being farmed, agricultural activities will be able to continue without impact; and

**WHEREAS**, allowing propane reload, storage, and distribution facilities in the Agriculture Zone as a conditional use under certain conditions will not impact the agricultural land base or cause land to be removed from agriculture; and

**WHEREAS**, allowing propane reload, storage, and distribution facilities would have a positive and sustaining impact on both the agricultural community and the environment; and

**WHEREAS**, this Ordinance is strongly supported by the local farm community, including the Whatcom County Farm Bureau and Whatcom Family Farmers; and



EXHIBIT A

Chapter 20.40

AGRICULTURE (AG) DISTRICT

20.40.150 Conditional uses.

.198 Propane reload, storage, and distribution facilities, provided all of the following criteria are met:

(1) The use shall not result in the conversion of Agricultural Lands of Long-Term Commercial Significance or land that is in active agricultural use.

(2) The use shall be located, designed, and operated so as not to interfere with the overall agricultural character of the area.

(3) The size, scale and character of the facility shall be compatible with the agricultural/rural character of the surrounding area.

(4) To the extent practicable, a facility shall only be permitted within existing buildings and on impervious surfaces, although said buildings may be improved, as permitted by applicable codes.

(5) The use shall only be allowed to expand into pervious surfaces when said expansion will have minimal impact on the agricultural land base and any current agricultural use.

(6) The applicant shall provide proof that any new permanent structures and soil alterations are generally located on predominantly nonagricultural soils or on the least productive portion of the property.

(7) The proposal will not preclude present and future agricultural uses of the property or substantially detract from agricultural production on-site in the area.

(8) The proposal will not adversely impact or interfere with accepted farm practices on adjacent or nearby agricultural operations, given the type of agriculture that is in the area and its relative susceptibility to nuisance complaints due to accepted farm operations and management practices.