

ORDINANCE NO. _____

**ADOPTING WHATCOM COUNTY CODE TITLE 20, ZONING CODE,
AMENDMENTS RELATING TO ALLOWING PROPANE RELOAD,
STORAGE, AND DISTRIBUTION FACILITIES IN THE AGRICULTURE
ZONE AS A CONDITIONAL USE**

WHEREAS, the docket included amending Whatcom County Code 20.40.150, Agriculture (AG) District, to allow propane reload, storage, and distribution facilities in the Agriculture Zone as a conditional use under certain circumstances; and

WHEREAS, the Agricultural Advisory Committee recommended approval on December 13, 2023; and

WHEREAS, The Whatcom County Planning Commission held a public hearing February 8, 2024 and issued recommendations on the proposed amendments; and

WHEREAS, The County Council considered Planning Commission recommendations; and

WHEREAS, The County Council held a public hearing; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject proposal includes the following amendments to the Official Whatcom County Zoning Ordinance (Title 20):
 - a. Amending the conditional use criteria in the Agricultural District (AG) to include .198 (1)-(11) allowing propane reload, storage, and distribution facilities in the Agriculture zone(WCC 20.40);
 - b. Amending the permitted uses in Light Impact Industrial (LII) District to allow propane retail and distribution facilities (WCC 20.66);
 - c. Amending the permitted uses in Heavy Impact Industrial (HII) District to allow propane retail and distribution facilities (WCC 20.68);
 - d. Amending the permitted uses Rural Industrial and Manufacturing (RIM) District to allow propane retail and distribution facilities (WCC 20.69);

- e. Adding a definition of "Propane Retail and Distribution Facility" (WCC 20.97) and,
 - f. Adding a definition of "Propane Intracompany Transport" (WCC 20.97).
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- 2. A Determination of Non-Significance was issued by the SEPA Responsible Official on November 22, 2023 (File # SEPA2023-00092).
 - 3. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on January 12th, 2024.
 - 4. Notice of the Planning Commission hearing for the subject amendments was posted on the County website on January 12th, 2024.
 - 5. Notice of the Planning Commission hearing was sent to the County's e-mail list on January 12th, 2024.
 - 6. The Planning Commission held a public hearing on the subject amendments on January 25th, 2024.
 - 7. In order to approve an amendment to the development regulations, the County must find that the amendment is consistent with the comprehensive plan (WCC 22.10.060(2)).
 - 8. Relevant Whatcom County Comprehensive goals and policies.
 - Goal 8A: Conserve and enhance Whatcom County's agricultural land base for food and fiber production.
 - Policy 8A-5: Discourage conversion of productive agricultural land to incompatible non-agricultural uses.

CONCLUSION

The subject Whatcom County Zoning Code text amendments are consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Agricultural District (WCC 20.40) is hereby amended as shown on Exhibit A.

Section 2. The Light Impact Industrial District (WCC 20.66) is hereby amended as shown on Exhibit B.

Section 3. The Heavy Impact Industrial District (WCC 20.68) is hereby amended as shown on Exhibit C.

Section 4. The Rural Industrial and Manufacturing District (WCC 20.69) is hereby amended as shown on Exhibit D.

Section 5. The Definitions (WCC 20.97) are hereby amended as shown on Exhibit E.

Section 6. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this _____ day of _____, 2024.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chairperson

APPROVED as to form:

() Approved () Denied

/s/ Royce Buckingham

Civil Deputy Prosecutor

Satpal Sidhu, Executive

Date: _____

Exhibit A: Proposed Amendments to WCC Chapter 20.40 AGRICULTURE (AG) DISTRICT

WCC Chapter 20.40 AGRICULTURE (AG) DISTRICT

20.40.150 Conditional uses.

(...)

.198 Propane Retail 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 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 facility's size, scale, and character 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 hard 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 proposal will not preclude the property's present or future agricultural uses or substantially detract from on-site agricultural production.
- (7) The proposal will not adversely impact or interfere with accepted farm practices on adjacent or nearby agricultural operations.
- (8) The proposal complies with all applicable local, state, and federal laws. Applicable County Code includes but is not limited to SEPA (WCC 16.08), Conditional Use Permit criteria (WCC 22.05.026), and Proof of Insurance (WCC22.05.125).
- (9) New or modified equipment and any vehicles loaded at the proposal site will be used only for the purposes of Propane Retail and Distribution Facilities for direct sale distribution to end users of propane or Intracompany Transport for direct sale distribution of propane to end users of propane.
- (10) Propane distribution facilities shall follow applicable recommendations of the U.S. Chemical Safety and Hazard Investigation Board (CSB).

(11) Future modification or expansion of a proposal permitted under this section shall be conditioned that the permitted equipment shall only be used in the manner approved in the permit.

Exhibit B: Proposed Amendments to WCC Chapter 20.66 LIGHT IMPACT INDUSTRIAL (LII) DISTRICT

Chapter 20.66

LIGHT IMPACT INDUSTRIAL (LII) DISTRICT

20.66.050 Permitted uses.

(...)

[.097 Propane Retail and Distribution Facility.](#)

Exhibit C: Proposed Amendments to WCC Chapter 20.68 HEAVY IMPACT INDUSTRIAL (LII) DISTRICT

Chapter 20.68

HEAVY IMPACT INDUSTRIAL (LII) DISTRICT

20.68.050 Permitted uses.

(...)

[.110 Propane Retail and Distribution Facility.](#)

Exhibit D: Proposed Amendments to WCC Chapter 20.69 RURAL INDUSTRIAL AND MANUFACTURING (RIM) DISTRICT

Chapter 20.69

RURAL INDUSTRIAL AND MANUFACTURING (RIM) DISTRICT

20.69.050 Permitted uses.

(...)

[.056 Propane Retail and Distribution Facility.](#)

Exhibit E: Proposed Amendments to WCC Chapter 20.97 DEFINITIONS

Chapter 20.97 DEFINITIONS

20.97.160 “P” definitions.

(...)

Propane Retail and Distribution Facility. “Propane Retail and Distribution Facility” means a complex that will receive, store and distribute propane directly to an end user.

Propane Intracompany Transport. “Propane Intracompany Transport” means the movement of propane from one Propane Retail and Distribution facility receiving point to another Propane Retail and Distribution facility within a company’s network of wholly-owned facilities.