



Propane Distribution in Ag

PDS Presentation to County Council

March 19, 2024



Background - Why

- Resolution item 2023-033
 - Council amended Comp Plan & Zoning Code docket to Amend 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.

What

- **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.



How

- Collaborative process
- New definitions WCC 20.97
- Conditional use criteria WCC 22.05.026
- Proposed code
- LII, HII, & RIM Districts



Agricultural Advisory Committee

- On December 13, 2023, the Agricultural Advisory Committee Considered the amendment.
- Voted to forward to the Planning Commission



Planning Commission

- Planning Commission held a public hearing on January 25th, 2024.
- Between planning commission meetings representatives of the propane industry and representatives from RE Sources worked together to address the areas of concern that were raised during the public hearing.
- On February 22nd, 2024, The Whatcom County Planning Commission recommended approval of the proposed Zoning Code amendments with the recommended modifications from the collaboration.



Comprehensive Plan Consistency

- 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.
- Policy 8C-2: Involve those who actually are engaged in agricultural activities, and give high regard to their opinions in the County's decision-making during the planning process. Use groups working effectively with the agricultural community to help preserve and/or create a sustainable economic agricultural base.

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.



Conditional Use Criteria

- Conditional use criteria
 - Nine conditional use criteria in 22.05.026
- Public notice
- Public hearing
- Hearing examiner

Proposed Code

- **20.40.198** 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.



Proposed Code

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.



Proposed Code

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.



LII HII & RIM Code

- Chapter 20.66
- **LIGHT IMPACT INDUSTRIAL (LII) DISTRICT**
- 20.66.050 Permitted uses.
- .097 Propane Retail and Distribution Facility.

- Chapter 20.68
- **HEAVY IMPACT INDUSTRIAL (HII) DISTRICT**
- 20.68.050 Permitted uses.
- .110 Propane Retail and Distribution Facility.
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- Chapter 20.69
- **RURAL INDUSTRIAL AND MANUFACTURING (RIM) DISTRICT**
- 20.69.050 Permitted uses.
- .056 Propane Retail and Distribution Facility.



Comments/Questions

5996 Lawrence Road, Deming.

