

Orig

ORDER NUMBER: 582
DATE: January 14, 1980

BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

| | | |
|------------------------------|---|--------------------------|
| In the Matter of |) | |
| Application No. 79-1 of the |) | FINDINGS OF FACT, |
| |) | CONCLUSIONS OF LAW AND |
| Trans Mountain Oil Pipe Line |) | ORDER OF CONSISTENCY AND |
| Corporation |) | COMPLIANCE FOR JEFFERSON |
| |) | COUNTY |
| A Delaware Corporation |) | |
| |) | |

THIS MATTER Came on regularly for hearing, pursuant to notice duly given, on November 6, 1979, in Port Townsend, Washington, before the Energy Facility Site Evaluation Council for determination pursuant to RCW 80.50.090 and WAC 463-26 of the consistency and compliance of the proposed Trans Mountain Oil Pipe Line site as described in Application 79-1 with the Jefferson County Land Use Plans.

The parties were represented as follows: Council for the Environment--Robert Mack, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504; Jefferson County--William Howard, Prosecuting Attorney, 209 Quinn Street, Port Townsend, Washington 98368; Save the Resources Committee--M. Douglas Kelly, P.O. Box 543, Freeland, Washington 98249; and Trans Mountain Oil Pipe Line Corporation--Charles Blumenfeld and Richard Bersin, Attorneys at Law, The Bank of California Center, Seattle, Washington 98164.

FINDINGS OF FACT

1. On August 21, 1979, Trans Mountain Oil Pipe Line Corporation submitted its Application No. 79-1. On September 7, 1979, Trans Mountain Oil Pipe Line Corporation submitted a revised application, however, the revisions did not affect the route in Jefferson County.
2. The Shoreline Management Master Program for Jefferson County is not a county or regional land use plan adopted pursuant to Chapter 35.63, 35.63A, or 36.70 RCW, or a county or regional zoning ordinance adopted pursuant to Chapters 35.63, 35.63A. or 36.70, or Article XI of the State Constitution.
3. Jefferson County has not adopted a zoning ordinance.
4. Jefferson County adopted a revised comprehensive plan on June 11, 1979, and a Marrowstone Island community development plan, a special plan in the Jefferson County Comprehensive Plan, on March 20, 1978. Policy 11 for the Energy: Conservation and Facilities at page 58 of the Jefferson County Comprehensive Plan prohibits the proposed facility site.

CONCLUSIONS OF LAW

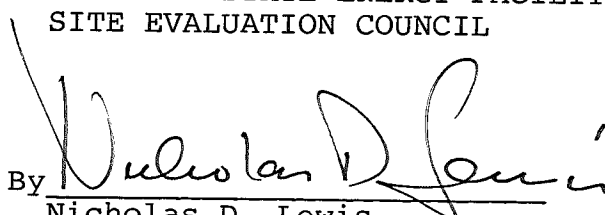
1. The Washington State Energy Facility Site Evaluation Council has jurisdiction over the subject matter of this proceeding.
2. August 21, 1979 is the date of application for the purpose of the siting of the pipeline in Jefferson County.
3. The Jefferson County Shoreline Master Management Program has no applicability to the Council's consistency and compliance determination in this proceeding.
4. The pipeline as proposed by the applicant is a public utility within the framework of the Jefferson County Comprehensive Plan.
5. The energy facility site as contained and described in Trans Mountain Oil Pipe Line Corporation's Application 79-1 is consistent and in compliance with land use plans and zoning ordinances if it is permitted absolutely or conditionally. To be inconsistent and in noncompliance, the plan or ordinance must expressly, or by operation clearly, convincingly and unequivocally prohibit the facility site.
6. The proposed facility site is inconsistent and not in compliance with the Jefferson County Comprehensive Plan.

O R D E R


IT IS HEREBY ORDERED That, the facility site as proposed by Application 79-1 is inconsistent and not in compliance with the Jefferson County Comprehensive Plan.

DATED at Olympia, Washington and effective this 14th day of January 1980.

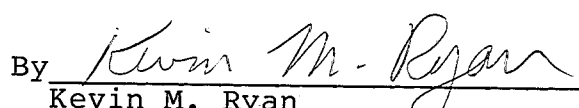
WASHINGTON STATE ENERGY FACILITY
SITE EVALUATION COUNCIL

By 
Nicholas D. Lewis
Chairman

ATTEST:

By 
William L. Fitch
Executive Secretary

APPROVED AS TO FORM:

By 
Kevin M. Ryan
Assistant Attorney General