

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of)	
Application No. 80-1 of the)	FINDINGS OF FACT,
Washington Water Power Company)	CONCLUSIONS OF LAW
Creston Generating Station)	AND ORDER OF CONSISTENCY
A Washington Corporation)	AND COMPLIANCE FOR
.)	DOUGLAS COUNTY

THIS MATTER Came on regularly for hearing, pursuant to notice duly given, on October 27, 1980, in Waterville, 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 Washington Water Power Company's site as described in Application No. 80-1 with the Douglas County Land Use Plans.

The parties were represented as follows: Washington Water Power Company -- Jerry K. Boyd, Attorney at Law, 1400 Washington Trust Financial Center, Spokane, Washington 99204; Mike Tabler, Deputy Prosecuting Attorney, Douglas County, Waterville, Washington, 98858; and Counsel for the Environment, Thomas Carr, Temple of Justice, Olympia, Washington 98504.

FINDINGS OF FACT

I.

On September 29, 1980, Washington Water Power Company submitted its Application No. 80-1.

II.

The electrical transmission facilities to be placed in Douglas County, as proposed by Application No. 80-1, shall be sited outside the boundaries of all municipalities in the County.

III.

Douglas County adopted its Land Use Plan in 1964. No reference is made in that document to the subject of electric transmission lines.

IV.

Douglas County adopted its Comprehensive Zoning Regulations on February 2, 1970. They were updated on August 1, 1973.

V.

The proposed facility will provide a service to the public by providing a means of transporting electricity for the benefit of those members of the public using electricity, and is a public utility within the meaning of the Comprehensive Zoning Regulations of Douglas County.

VI.

The use designation made in the Douglas County Zoning Regulations where the proposed transmission lines will be located is A-R Rural Agricultural. Public utilities and associated structures are allowed as a conditional use within the above use designation. The proposed facility is not expressly prohibited by these Regulations.

VII.

The Douglas County Land Use Plan Does not expressly or by operation prohibit the proposed facility.

VIII.

The Comprehensive Zoning Regulations for Douglas County, in Subsection 4 of Section VI, limit the height of any structure in the R-A zone to 40 feet. The proposed electric transmission lines will exceed 40 feet in height. Relief from this restriction is allowed as a Special Exception by Subsection 4 of Section XV of the Regulations.

CONCLUSIONS OF LAW

I.

The Washington State Energy Facility Site Evaluation Council has jurisdiction over the subject matter of this proceeding.

II.

The electric transmission facilities to be located on the site as proposed by the Applicant are a public utility, within the Douglas County Zoning Regulations.

III.

The energy facility site as contained and described in Washington Water Power Company's Application No. 80-1 is consistent and in compliance with the 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 direct operation, prohibit the facility from a particular use classification in which it is planned to be placed.

IV.

The proposed facility is consistent and in compliance with the Douglas County Land Use Plan.

V.

The proposed facility is consistent and in compliance with the Douglas County Zoning Regulations.

ORDER

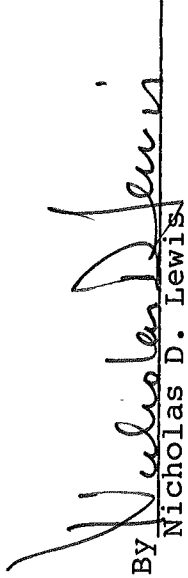
It is hereby ORDERED as follows:

1. That the facility site as proposed by Application No. 80-1 is consistent and in compliance with the Douglas County Land Use Plan.
2. That the proposed electric transmission facilities to be placed in Douglas County are consistent and in compliance with the Douglas County Zoning Regulations.

Dated at Olympia, Washington and effective this 9th day of February 1981.

WASHINGTON STATE ENERGY FACILITY
SITE EVALUATION COUNCIL

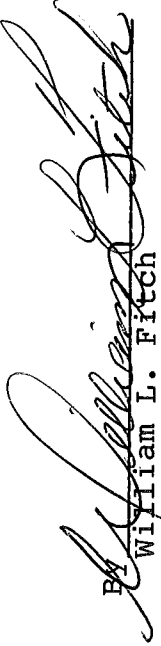
BY


Nicholas D. Lewis

Chairman

ATTEST:


BY


William L. Fitch

Executive Secretary

APPROVED AS TO FORM:

BY


Kevin M. Ryan

Assistant Attorney General