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ORDER NO.: 606
Dated: February 23, 1981

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

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

THIS MATTER came on regularly for hearing, pursuant to notice duly given, on October 29, 1980, in Spokane, 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 site as described in Application 80-1 with the Land Use Plans of Spokane County and the cities of Spokane and Cheney.

The parties were represented as follows: Washington Water Power Company -- Jerry K. Boyd, Attorney at Law, 1400 Washington Trust Financial Center, Spokane, Washington 99204; Richard M. George, representing Spokane County, W 1100 Mallon, Spokane, Washington 99201; and the Counsel for the Environment, Thomas F. Carr, Assistant Attorney General, 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 Comprehensive Plan for Spokane County was last revised and adopted on October 22, 1968. This plan does not expressly or by operation prohibit the proposed facility site.

III.

The latest revision to the Spokane County Zoning Ordinance was adopted in July of 1980. The proposed facility will provide a service to the public by providing a means of transporting electricity for the benefit of consumers, and it is a public utility within the meaning of the Spokane County Zoning Ordinance.

IV.

The Land Use Plan of the City of Spokane was adopted on May 27, 1968. It does not expressly or by operation prohibit the proposed facility site.

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V.

The Comprehensive Zoning Ordinance of the City of Spokane was adopted on May 5, 1958 and last amended on February 7, 1980. Electric Power Plant facilities are allowed in any zone subject to conditions which may be set in a special permit issued pursuant to sec. 210.20 of the zoning ordinance.

VI.

The Comprehensive Plan for the City of Cheney was adopted on November 28, 1973 and last amended on July 13, 1976. It does not expressly or by operation prohibit the proposed facility site.

VII.

The Zoning Ordinance of the City of Cheney was last revised in May of 1980. None of its provisions expressly or by operation prohibit the proposed facility site. Exceptions to height restrictions are granted to structures relating to the public welfare by the Board of Adjustment, pursuant to sec. 21.48.050 of the Zoning Ordinance. The proposed facility is a structure relating to the public welfare as that term is used in the Zoning Ordinance of the City of Cheney.

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 meaning of the Spokane County Zoning Ordinance. The proposed facilities are Electric Power Plant facilities as that term is used in the Comprehensive Zoning Ordinance of the City of Spokane.

III.

The energy facility site as contained and described in Washington Water Power Company's Application 80-1 is consistent and in compliance with the land use plans and zoning ordinances of affected areas 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 Spokane County Comprehensive Plan.

V.

The proposed facility is consistent and in compliance with Spokane County Zoning Ordinance.

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VI.

The proposed facility is consistent and in compliance with the Land Use Plan and the Comprehensive Zoning Ordinance of the City of Spokane.

VII.

The proposed facility is consistent and in compliance with the Comprehensive Plan and the Zoning Ordinance of the City of Cheney.

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 land use plans and zoning ordinances of Spokane County.
2. That the proposed facility site as described in Application No. 80-1 is consistent and in compliance with the land use plans and zoning ordinances of the City of Spokane.
3. That the facility site as proposed in Application No. 80-1 is consistent and in compliance with the land use plans and zoning ordinances of the City of Cheney.

Dated at Olympia, and effective the 23rd day of February, 1981

WASHINGTON STATE ENERGY FACILITY
SITE EVALUATION COUNCIL

By



Nicholas D. Lewis
Chairman

ATTEST:

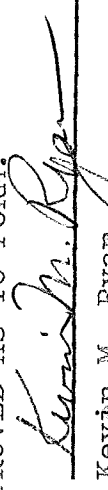
By



William L. Fitch
Executive Secretary

APPROVED AS TO FORM:

By



Kevin M. Ryan
Assistant Attorney General