

Orig to file

ORDER NUMBER: 607
DATE: March 9, 1981

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

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

THIS MATTER came on regularly for hearing, pursuant to notice duly given, on October 28, 1980, in Ephrata, 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 80-1 with the Land Use Plans of the Town of Electric City.

The parties were represented as follows: Washington Water Power Company --- Jerry K. Boyd, Attorney at Law, 1400 Washington Trust Financial Center, Spokane, Washington 99204; and Counsel for the Environment, Thomas F. Carr, Senior Assistant Attorney General, Temple of Justice, Olympia, Washington 98504.

PROPOSED
FINDINGS OF FACT

I.

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

II.

By Ordinance Number 89, passed April 11, 1966, the Town Council of the Town of Electric City adopted its Comprehensive Zoning Plan and implementing regulations. This ordinance was last amended on November 18, 1971. No reference is made in the ordinance to public utilities or electric transmission facilities. The regulations prohibit the construction of any building in any R zone for uses other than residential.

III.

The applicant formally amended its application on January 12, 1981, to exclude the possibility that transmission lines will be routed within the town limits. Applicant's plan is to route transmission lines fully outside the limits of the Town of Electric City.

CONCLUSIONS OF LAW

I.

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

II.

The energy facility site as contained and described in Washington Water Power Company's Application 80-1 is consistent and in compliance with land use plans and zoning ordinances if there is no conflict between applicant's plans and particular plans and ordinances. WAC 463-42-200(4) requires the submission of land use plans and ordinances for any area lying within one mile, either side, of electric transmission lines. A facility is not inconsistent or in noncompliance with that provision where, as in this will pass outside the limits of nearby municipalities. In so far as WAC 463-42-200(4) requires that facilities placed outside Electric City be consistent with the Town's Zoning Law, it is inapplicable to the facilities proposed by this application. See WAC 463-42-060.

III.

Where, as in the case of Electric City, it is known that transmission lines will pass outside the bounds of the affected municipality, the requirement that consistency and compliance with local land use laws does not apply.

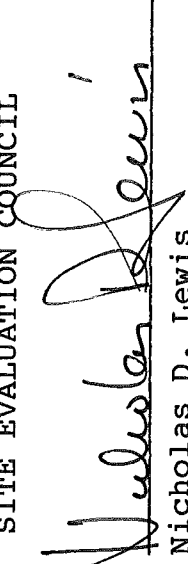
ORDER

That the requirement that consistency and compliance with land use plans and laws of the Town of Electric City does not apply to the applicant's plan, as amended.

Dated at Olympia, Washington and effective this 9th day of March 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