

ADOPTED 2/25/74

BEFORE THE STATE OF WASHINGTON
THERMAL POWER PLANT SITE EVALUATION COUNCIL

In the Matter of the
Application of the
WASHINGTON PUBLIC POWER
SUPPLY SYSTEM,
A Municipal Corporation of
the State of Washington

}
} FINDINGS, CONCLUSIONS
} AND ORDER REGARDING LAND
} USE PLANS OF THERMAL POWER
} PLANT SITE APPLICATION
} NO. 73-2

This matter came on for public hearing before the Washington Thermal Power Plant Site Evaluation Council convened in Satsop, Washington, at the Oaksridge Golf Club Restaurant beginning at 2:05 p.m., February 11, 1974, pursuant to public notice heretofore published as required by the laws of the state of Washington, and served upon the parties and counsel pursuant to the provisions of WAC 1-08-080.

The parties to this proceeding and counsel who appeared concerning the subject matter of this decision were (1) the applicant, Washington Public Power Supply System, appearing by its counsel, Richard Q. Quigley, Richland, Washington, and Joel Haggard of Houghton, Cluck, Coughlin & Riley, Seattle, Washington, of counsel; (2) Darrel Peeples, Assistant Attorney General, Olympia, Washington, counsel for the Washington State Thermal Power Plant Site Evaluation Council; and (3) Malachy R. Murphy, Deputy Attorney General of the state of Washington, Counsel for the Environment.

NATURE AND BACKGROUND OF THIS PROCEEDING

The Washington Public Power Supply System filed its application for certification of a thermal power plant site which is situated in Grays Harbor County on December 17, 1973. The statutory filing fee of \$25,000 was received by the Council and transmitted to the State Treasurer.

Pursuant to the provisions of RCW 80.50.090(1) and (2) and WAC 463-08-035, the Council directed these hearings should be convened for the purpose of determining whether or not the proposed site is consistent and in compliance with county and regional land use plans or zoning ordinances and for the purpose of conducting public information hearings pursuant to WAC 463-08-035.

Prior to said hearing, the Board of County Commissioners of Grays Harbor County, Washington, duly appointed its representative to sit as a member of the Washington State Thermal Power Plant Site Evaluation Council pursuant to the provisions of RCW 80.50.030(4).

WHEREUPON, This public hearing having duly convened at 2:05 p.m., February 11, 1974, at Oaksridge Golf Club Restaurant, Satsop, Washington, and documentary evidence and testimony having been offered by the applicant and other persons in attendance and the members of the Council having examined the documents and records concerning this above-referenced application previously filed herein and being fully advised, the Council now makes and enters the following:

FINDINGS OF FACT

1. The proposed site for construction of the thermal power plant described in the above-referenced application is situated in Grays Harbor County, Washington, and is more particularly described by a detailed legal description contained in Section 105(1) and graphically represented by Figure 105(1)-1 of the application.

2. The only local government unit exercising land use control responsibility with respect to the proposed site is Grays Harbor County. None of the proposed facilities are to be located in incorporated areas. Grays Harbor County land use controls are implemented by (1) the Comprehensive Land Use Plan identified as Exhibit No. 1 herein, (2) Grays Harbor County Ordinance No. 38, as amended (zoning ordinance), identified as Exhibit No. 2 herein, and (3) the Grays Harbor County Zoning Map identified as Exhibit No. 3 herein. Said exhibits represent the applicable county land use controls in effect as of the date of Application No. 73-2's submittal, that date being December 17, 1973.

3. The project's reactor containment building, reactor auxiliary building, the turbine generator building, the cooling tower, the administration building, and associated transmission lines are to be located on land zoned General Development. These uses conform to "primary permitted" uses within a General Development Zone. (Section 4.02 of Grays Harbor County Ordinance No. 38, as

amended.) This is affirmed and attested to in a letter from Patrick Katzer, Grays Harbor County Planning Director, dated December 13, 1973. This conformance was affirmed and testified to by Mr. Katzer to be true as of the date of Application No. 73-2's submittal, that date being December 17, 1973.

4. The project's intake and discharge facilities are to be located on land zoned Agricultural. These facilities conform to "primary permitted" uses in the Agriculture Zone. (Section 4.09 of Grays Harbor County Ordinance No. 38.) This is also affirmed and attested to in the letter from Patrick Katzer, Grays Harbor County Planning Director, dated December 13, 1973. This conformance was affirmed and testified to by Mr. Katzer to be true as of the date of Application No. 73-2's submittal, that date being December 17, 1973.
5. The Grays Harbor Regional Planning Commission is a council of governments consisting of various governmental agencies and municipal corporations organized under the provisions of RCW 36.70. The coordinative planning activities of the Grays Harbor Regional Planning Commission are implemented by its Resolution No. 37 identified as Exhibit No. 4 herein, adopting three sheets consisting of (1) the Comprehensive Land Use Plan, (2) the Soil Capability Classification, and (3) the Limitations for Septic Tank Filter Fields, all identified as Exhibit No. 5 herein.

6. A letter dated December 13, 1973, from Stanley L. Lattin, Executive Director of the Grays Harbor Regional Planning Commission concludes that the land described may be used for the facilities planned, consistent with the Regional Comprehensive Land Use Plan. This conformance and consistency was testified to by Mr. Lattin to be true as of the date of Application No. 73-2's submittal, that date being December 17, 1973.

On the basis of the foregoing Findings of Fact, the Council now makes and enters the following

CONCLUSIONS OF LAW

1. This hearing of the Washington State Thermal Power Plant Site Evaluation Council was duly convened pursuant to the provisions of RCW 80.50.090(1) and (2) and WAC 463-08-035.
2. Public notice of this hearing has been given to all parties, their counsel, the public and various public information media and the press as required by law.
3. Agencies designated as members of this Council and/or their duly designated representatives were present and participated in the hearing in the manner required by law.
4. The Council has jurisdiction of the applicant and the subject matter of this hearing.

5. The proposed nuclear power plant site including associated transmission lines described in the application on file herein is for a use and a purpose which is consistent with and in compliance with Grays Harbor County and regional land use plans and zoning ordinances which bear upon the land areas immediately surrounding the proposed plant site and the plant site itself.

NOW, THEREFORE, Pursuant to the provisions of RCW 80.50.090(1) and (2) and WAC 463-08-035, it is hereby

ORDERED AND DECLARED By the Washington State Thermal Power Plant Site Evaluation Council as of February 11, 1974, that the use and purpose of the proposed nuclear power plant site described in Application No. 73-2 on file with the Council is consistent with and in compliance with applicable county and regional land use plans and zoning ordinances.

ENTERED THIS 25TH DAY OF FEBRUARY 1974

WASHINGTON STATE THERMAL POWER PLANT
SITE EVALUATION COUNCIL

BY Oswald Greager
Oswald Greager
Chairman

APPROVED FOR ENTRY:

BY Darrel Peeples
Darrel Peeples
Assistant Attorney General

WASHINGTON PUBLIC POWER
SUPPLY SYSTEM

BY Richard Q. Quigley
Richard Q. Quigley
Counsel

COUNSEL FOR THE ENVIRONMENT

BY Malachy R. Murphy
Malachy R. Murphy
Deputy Attorney General