BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 80-1 of the
Washington Water Power Company
Creston Generating Station
A Washington Corporation

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER OF CONSISTENCY
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, pur-
suant 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.

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