ORDER NUMBER: 616
DATE: May 26, 1981

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application
of the
TRANS MOUNTAIN OIL PIPE LINE
CORPORATION,
A Delaware Corporation

APPLICATION NO. 79-1
FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER OF CONSISTENCY AND
COMPLIANCE FOR JEFFERSON
COUNTY

THIS MATTER came on regularly for hearing, pursuant to notice
duly given, on February 24, 1981, in Port Townsend, Washington,
before the Energy Facility Site Evaluation Council (hereinafter
Council) for determination pursuant to RCW 80.50.090 and WAC
463-26 of the consistency and compliance of the proposed Trans
Mountain Oil Pipe Line site as described in Application 79-1 with
Jefferson County Land Use Plans.

The parties were represented as follows: Jefferson
County--William Howard, Prosecuting Attorney, 209 Quinn Street,
Port Townsend, Washington 98368; Trans Mountain Pipeline
Corporation--Charles Blumenfeld, Attorney at Law, The Bank of
California Center, Seattle, Washington 98164.

FINDINGS OF FACT

I.

On August 21, 1979, Trans Mountain Oil Pipe Line Corporation
(hereinafter Trans Mountain) submitted its Application No. 79-1.
On November 6, 1979, an initial land use hearing was held in this
matter in Port Townsend, Washington. Following that hearing the
Council issued its Findings of Fact, Conclusions of Law and Order
of Consistency and Compliance for Jefferson County. By this
reference, that document is incorporated herein. By agreement of
the parties, the full record of the November 6, 1979 hearing was
made a part of the hearing held on February 24, 1981.

Find. of Fact, Con.
of Law & Order -1-
II.

On December 31, 1980, Trans Mountain submitted an amended Application to the Council. The amendments, among other things, contained two major changes in the route of the proposed pipeline in Jefferson County. Exhibit 3A overlay and 3B overlay depict these route changes. The route changes do not result in the proposed pipeline passing through any land use designation which was not passed through by the proposal considered on November 6, 1979.

III.

No new or amended land use plans have been adopted subsequent to November 6, 1979.

IV.

The Shoreline Management Master Program for Jefferson County is not a county or regional land use plan adopted pursuant to Chapter 35.63, 35.63A, or 36.70 RCW, or a county or regional zoning ordinance adopted pursuant to Chapters 35.63, 35.63A, or 36.70, or Article XI of the State Constitution.

V.

Jefferson County has not adopted a zoning ordinance.

VI.

Jefferson County adopted a revised comprehensive plan on June 11, 1979, and a Marrowstone Island community development plan, a special plan in the Jefferson County Comprehensive Plan prohibits the proposed facility site.

CONCLUSIONS OF LAW

I.

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

II.

The Jefferson County Shoreline Management Master Program has no applicability to the Council's consistency and compliance

Find. of Fact, Con. of Law -2-
determination in this proceeding.

III.

The pipeline as proposed by the applicant is a public utility within the framework of the Jefferson County Comprehensive Plan.

IV.

The energy facility site as contained and described in Trans Mountain Oil Pipeline Company's application 79-1 is consistent and in compliance with 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 operation clearly, convincingly and unequivocally prohibits the facility site.

V.

The route as amended for the proposed facility site is inconsistent and not in compliance with the Clallam County Comprehensive Plan.

ORDER

It is hereby ORDERED That the facility site as proposed by Application 79-1 is inconsistent and not in compliance with the Jefferson County Comprehensive Plan.

DATED at Olympia, Washington, and effective this 26th day of May, 1981.

NICHOLAS D. LEWIS, Chairman
Washington State Energy Facility Site Evaluation Council

ATTEST:

WILLIAM L. FITCH
Executive Secretary

Approved as to Form:

KEVIN M. RYAN, Assistant Attorney General

Find. of Fact, Con. of Law -3-