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BEFORE THE STATE OF WASHINGTON

ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of Application)	
of the)	APPLICATION NO. 79-1
)	
TRANS MOUNTAIN OIL PIPE LINE)	FINDINGS OF FACT,
CORPORATION,)	CONCLUSIONS OF LAW AND
)	ORDER OF CONSISTENCY AND
A Delaware Corporation)	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-

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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

1 determination in this proceeding.

2 III.

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

6 IV.

7 The energy facility site as contained and described in Trans
8 Mountain Oil Pipeline Company's application 79-1 is consistent
9 and in compliance with land use plans and zoning ordinances if
10 it is permitted absolutely or conditionally. To be inconsistent
11 and in noncompliance, the plan or ordinance must expressly, or by
12 operation clearly, convincingly and unequivocally prohibits the
13 facility site.

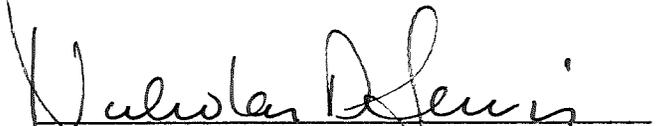
14 V.

15 The route as amended for the proposed facility site is incon-
16 sistent and not in compliance with the Clallam County
17 Comprehensive Plan.

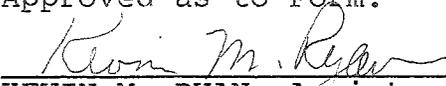
18 ORDER

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

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

24 
25 NICHOLAS D. LEWIS, Chairman
26 Washington State Energy Facility
27 Site Evaluation Council

26 ATTEST:
27 
28 WILLIAM L. FITCH
29 Executive Secretary

29 Approved as to Form:
30 
31 KEVIN M. RYAN, Assistant
32 Attorney General