

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 93-1

COWLITZ COGENERATION COMPANY
COWLITZ COGENERATION PROJECT

Finding of Fact and Conclusion of Law and
Order of Granting the Cowlitz Cogeneration
Facility Consistent With the Cowlitz County
Land Use and Zoning Regulations

This matter came on regularly for hearing on August 3, 1993 in Longview, Washington and on August 9, and September 13, 1993 in Olympia, Washington, before Chairman Warren Bishop and acting chairman C. Robert Wallis and the Energy Facility Site Evaluation Council of the state of Washington.

The following parties appeared and were represented as follows:

Applicant: Weyerhaeuser Company
 Cory S. Pulfrey
 PO Box 188
 Longview, WA 98632

Cowlitz County: Department of Building and Planning
 Patrick J. Keough
 207 Fourth Avenue North
 Kelso, WA 98626

Background

On June 14, 1993, a partnership of the Weyerhaeuser and Mission Energy companies filed with the Council and application to construct and operate a 395 megawatt cogeneration facility on the Weyerhaeuser Mill site in Longview, Washington. As required by RCW 80.50.090 a public land use

hearing was held on August 3, 1993 at Longview, Washington. Public notice of this hearing was given by publication in The Daily News, published in Longview and by mailing to an interested party mailing list for this project.

Cory S. Pulfrey of the Weyerhaeuser Company testified that the project is entirely within Cowlitz County and would be allowed within the permitted uses described in Section 18.10.235 for the Heavy Manufacturing Zone for Cowlitz County. He further testified that the project conforms to the Cowlitz County Shorelines Management Master Program and would be located within an "Urban" designated area which allows intensive industrial development. Mr. Pulfrey continued his testimony stating that the project was not within the city limits of Longview but the project is within Longview's designated "Urban Sphere of Influence" and would be consistent with the stated goals for industrial uses.

Patrick J. Keough, acting director of the Cowlitz County Department of Building and Planning testified that the project is located within unincorporated Cowlitz County and is designated Heavy Industrial in the Cowlitz County Comprehensive Plan and that the proposal is consistent with the design and intent of the comprehensive plan and will comply with the county zoning code. Mr. Keough however testified that the project would be consistent the shoreline designation, certain figures in the project application are not to scale and did not show the site in relation to the shoreline, therefore the county could not determine whether the proposal falls under shorelines jurisdiction and whether any special conditions or limitations should be imposed as a consideration of any impact to the shoreline.

On August 6, 1993 the Council received additional written testimony by Cory Pulfrey, dated August 5, 1993, which had as attachments those section to the Cowlitz County Comprehensive Plan which specifically identifies the project's location as within the area zoned Heavy Industrial. The additional testimony also contained a drawing which located the project outside the Cowlitz County Shorelines Management Master Plan.

On August 6, 1993 the Council also received a letter from Patrick Keough affirming that the project was not under the Cowlitz County Shorelines Management Master Plan. Mr. Keough also confirmed that the citations stated by Mr. Pulfrey's letter of August 5, 1993 are the correct portions of the county's Comprehensive Plan.

During the August 9, 1993 hearing the Council had additional questions regarding whether the demolition of a slab of concrete would be within the area subject to the county Shorelines Management Master Plan, if a proposed oil pipeline to supply the proposed facility with diesel oil would be within 200 feet of the shoreline and subject to the Shorelines Management Master Plan, and whether the proposed facility was in the Columbia River floodplain. Because these questions could not be answered by persons present at the hearing, the hearing was continued to September 13, 1993.

On September 7, 1993 the Council did receive a letter from Skip Urling, the Cowlitz County Planning Director, dated August 31, 1993 which provided the county's responses to the three questions raised at the August 9, 1993 hearing. The letter stated that the slab of concrete is the foundation of a former log infeed structure and that Weyerhaeuser has indicated to the county it plans to only remove a portion of the slab and that review of aerial photographs and a field check by the county indicated that it is in excess of 300 feet from the Columbia River, thus there is no inconsistency with the Shorelines Management Master Plan. Mr. Urling's letter noted that the proposed diesel oil pipeline, plus the cogeneration steam lines will be within an existing utility corridor and outside the county's shoreline jurisdiction. Mr. Urling also stated in the letter that the 100 year floodplain terminates on the river side of the dike, such that this portion of the Weyerhaeuser complex is outside the area covered by the regulatory flood.

FINDINGS OF FACT

Having discussed in detail the oral and written testimony the following are the finding of facts:

1. On June 14, 1993 the partnership of Weyerhaeuser and Mission Energy Companies did submit an application to the Energy Facility Site Evaluation Council to construct and operate a 395 megawatt cogeneration facility to be located at the Weyerhaeuser Mill site in Longview, Washington.
2. The Council did hold after official notice a Land Use Hearing on August 3, 1993 in Longview, Washington and continued the hearing on August 9, and September 13, 1993 in Olympia, Washington.

3. The proposed project is located entirely within the Weyerhaeuser Mill site which is zoned as Heavy Industrial in the Cowlitz County Comprehensive Land Use Plan.
4. The proposed project is consistent with the design and intent of the county's Comprehensive Land Use Plan.
5. The proposed project lies within the "Urban" boundary of the county's shoreline management zone which allows intensive industrial development.
6. The demolition of the concrete slab and location of the diesel oil pipeline is outside the 200 foot shoreline boundary.
7. The Cogeneration site is outside the 100 year flood plain and not subject to county flood and not subject to county floodplain regulations.
8. The proposed project is consistent with the Cowlitz County Shoreline Management Master Program and needs no consideration for special conditions or limitations for impact to the shoreline.

CONCLUSION OF LAW

Having considered the whole record in this proceeding, and the foregoing Findings of Fact, the Council makes the following Conclusions of Law:

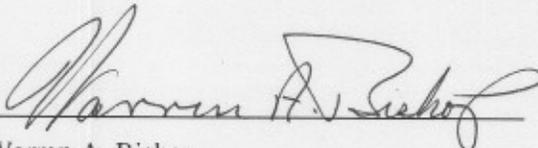
1. The Council has jurisdiction over the subject matter of Application No. 93-1.
2. The Council has held a Land Use Hearing as required by RCW 80.50.090.
3. The proposed project is consistent with the Cowlitz County Comprehensive Plan and Shoreline Management Master Program.

ORDER

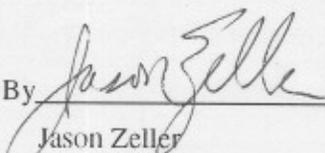
WHEREFORE, IT IS HEREBY ORDERED That Application No. 93-1 of the partnership of Weyerhaeuser and Mission Energy Companies shall be and the same is hereby granted consistency with Cowlitz County zoning regulations and landuse plans.

Dated at Olympia, Washington and effective this 23th day of September 1993.

Washington State Energy Facility Site
Evaluation Council

By 
Warren A. Bishop
EFSEC Chair

Attest:

By 
Jason Zeller
EFSEC Manager