

**BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL**

**In the Matter of Application No. 2001-03**

**Duke Energy and Energy Northwest**

**Satsop Combustion Turbine Project –  
Phase II**

**WITH COUNCIL ORDER NO. 766**

**FINDING OF CONSISTENCY GRAYS  
HARBOR COUNTY LAND USE PLANS  
AND ZONING ORDINANCES**

**Nature of Proceeding**

This matter involves an application to the Washington State Energy Facility Site Evaluation Council (EFSEC or Council) to amend the existing Site Certification Agreement for the Satsop Combustion Turbine Project.

**Procedural Setting and Participation**

This matter came on regularly for hearing on March 11, 2002, in Lacey, Washington, before Acting Chair Charles Carelli (Department of Ecology); and Council members James Luce, EFSEC Chair; Dick Fryhling (Department of Community, Trade and Economic Development); Jenene Fenton (Department of Fish and Wildlife); Tony Ifie (Department of Natural Resources); Jeffrey Showman (Utilities and Transportation Commission); Dick Dixon (Grays Harbor County); and Isabelle Lamb (Port of Grays Harbor).

Participants in this Land Use Hearing were:

Applicant: Duke Energy Grays Harbor and Energy Northwest  
By Laura Schinnell and Katy Chaney  
PO Box 1223  
Elma, Washington 98541

Grays Harbor County: Grays Harbor Department of Public Services  
By Paul Rogerson, Director of Planning and Building  
100 W Broadway, Suite 31  
Montesano, Washington 98563-3614

**Memorandum**

On November 19, 2001, the Energy Facility Site Evaluation Council received an application to amend the existing Site Certification Agreement for the Satsop Combustion Turbine Project. Duke Energy Grays Harbor (Duke Energy) and Energy Northwest (collectively, the “Applicant”), have submitted a request to construct and operate an additional 650 megawatt natural gas-fired combustion turbine electrical generation facility, referred to as Phase II, at the existing Satsop Combustion Turbine site, near Elma, Washington.

Pursuant to RCW 80.50.090 and WAC 463-26-050, the Council convened a public hearing on March 11, 2002, in Lacey, Washington to determine whether the proposed Satsop Combustion Turbine (CT) Project – Phase II site is consistent with Grays Harbor County’s land use plans and zoning ordinances.

At the hearing on March 11, 2002, Katy Chaney, representing the Applicant, appeared and testified and submitted six exhibits:

- Exhibit 1: Satsop Combustion Turbine Project Site Map, including both Phase I and Phase II;
- Exhibit 2: Council Order No. 668, Finding of Consistency with Grays Harbor County Land Use Plans and Zoning Ordinance;
- Exhibit 3: Figure 5.1-2, Existing Zoning in the Project Area from the Satsop Combustion Turbine Project - Application for Amendment 4;
- Exhibit 4: Grays Harbor County Comprehensive Zoning Ordinance No. 38;
- Exhibit 5: WAC 39.84.020(6); and
- Exhibit 6: Letter from Grays Harbor County, dated February 19, 2002, from Paul Rogerson, Director of Planning and Building.

Ms. Chaney’s testimony ended with a statement that it was her opinion that if EFSEC approved the proposed Satsop Combustion Turbine Project – Phase II amendment application, it would be consistent with applicable Grays Harbor County land use plans and zoning ordinances.

Paul Rogerson, representing Grays Harbor County, appeared and testified and submitted a letter dated March 8, 2002 (Exhibit 7) for the record, that supported the county’s finding, as expressed in Exhibit 6, that the proposed Phase II project is consistent with local land use plans and regulations, to include the Grays Harbor County Comprehensive Plan, the Grays Harbor County Shorelines Master Plan, and the Grays Harbor Zoning Code (Ordinance No. 241). Mr. Rogerson also provided clarification that the proposed project is considered to be an “industrial development facility”, as defined in RCW 39.84.020(6), whose use is permitted outright in the Industrial (I-2) zone district that the project is located in. He added that there are no controlling conditions that would effect that use. Mr. Rogerson’s testimony ended with the statement that it was the county’s position that the proposed Satsop Combustion Turbine Project – Phase II, is consistent with Grays Harbor County land use plans and zoning ordinances.

Exhibits 1-7 are hereby incorporated by reference.

### **Findings of Fact**

Based upon the oral and written evidence presented in this proceeding, the Council makes and enters the following Findings of Fact:

1. On November 19, 2001, Duke Energy Grays Harbor and Energy Northwest filed with the Council an application to amend the existing Site Certification Agreement for the Satsop Combustion Turbine Project. The amendment application requests state approval to construct to construct and operate an additional 650 megawatt natural gas-fired combustion turbine electrical generation facility, referred to as Phase II, at the existing Satsop Combustion Turbine Project site, near Elma, Washington.
2. The Council convened a public land use hearing pursuant to due and proper notice on March 11, 2002, in Lacey, Washington.
3. The representatives of the Applicant who testified at the hearing are of the opinion that the proposed site of the Phase II project is consistent and in compliance with county and regional land use plans and ordinances.
4. The representative of Grays Harbor County who testified at the hearing is of the opinion that the proposed site of proposed Phase II project is consistent and in compliance with county and regional land use plans and zoning ordinances.
5. In accordance with WAC 463-26-090, the testimony and exhibits offered by Grays Harbor County attesting to the fact that the proposed project is consistent and in compliance with county or regional land use plans or zoning ordinances, are regarded as *prima facie* proof of consistency and compliance with such zoning ordinances or land use plans.
6. The Council finds that the proposed site of the proposed Satsop Combustion Turbine Phase II project is consistent and in compliance with Grays Harbor County and regional land use plans and regulations and zoning ordinances.

### **Conclusions of Law**

Based upon the foregoing Findings of Fact, the Council makes and enters the following Conclusions of Law:

1. The Council has jurisdiction over the subject matter of this proceeding and the parties to it pursuant to RCW 80.50.090 and Chapter 463-26 WAC.
2. The Council concludes that the proposed site for the Satsop Combustion Turbine - Phase II project is consistent and in compliance with Grays Harbor County and regional land use plans and ordinances as required by RCW 80.50.090(2).

### **Determination and Order**

THE COUNCIL ORDERS that there is hereby entered as of record the Council's determination that the proposed site of the proposed Satsop Combustion Turbine Project – Phase II project, as described in Application No. 2001-03 of Duke Energy Grays Harbor and Energy Northwest, is consistent and in compliance with Grays Harbor County and regional land use plans and zoning ordinances.

Dated at Olympia, Washington this 27th day of March 2002.

**WASHINGTON STATE ENERGY FACILITY  
SITE EVALUATION COUNCIL**

By: \_\_\_\_\_ /s/\_\_\_\_\_  
Jim Luce  
EFSEC Chair

**ATTEST:**

By: \_\_\_\_\_ /s/\_\_\_\_\_  
Allen J. Fiksdal  
EFSEC Manager