

AMENDATORY SECTION (Amending WSR 07-21-035, filed 10/9/07, effective 11/9/07)

WAC 463-28-010 Purpose. This chapter sets forth procedures to be followed by the council in determining whether to recommend to the governor that the state preempt land use plans, zoning ordinances, or other development regulations for a ~~((site))~~ project or portions of a ~~((site for an energy facility, or alternative energy facility))~~ project for energy facilities included under RCW 80.50.060 as now or hereafter amended.

AMENDATORY SECTION (Amending WSR 78-07-036, filed 6/23/78)

WAC 463-28-020 Authority of council—Preemption by state. The authority of the council is contained in RCW 80.50.040(1) and 80.50.110(2) which provides that the state preempts the regulation and certification of the location, construction, and operational conditions of certification of the energy facilities included under RCW 80.50.060 as now or hereafter amended.

AMENDATORY SECTION (Amending WSR 07-21-035, filed 10/9/07, effective 11/9/07)

WAC 463-28-060 Adjudicative proceeding. (1) Should the council determine under WAC 463-26-110 a ~~((site))~~ project or any portions of a ~~((site))~~ project is inconsistent, it will schedule an adjudicative proceeding under chapter 463-30 WAC to consider preemption.

(2) The proceeding for preemption may be combined or scheduled concurrent with the adjudicative proceeding held under RCW 80.50.090 ~~((+3))~~ (4).

(3) The council shall determine whether to recommend to the governor that the state preempt the land use plans, zoning ordinances, or other development regulations for a ~~((site))~~ project or portions of a ~~((site))~~ project for the energy ~~((facility or alternative energy resource))~~ facilities included under RCW 80.50.060 as now or hereafter amended proposed by the applicant.

AMENDATORY SECTION (Amending WSR 07-21-035, filed 10/9/07, effective 11/9/07)

WAC 463-28-070 Certification—Conditions—State/local interests. If the council approves the request for preemption, it shall include conditions in the draft certification agreement ~~((which consider))~~ to protect state ~~((or))~~ local governmental, or community interests, or overburdened communities as defined in RCW 70A.20.010 affected by the construction or operation of the ~~((energy))~~ facility ~~((or alternative~~

energy resource)) and to recognize the purpose((s)) of laws or ordinances, or rules or regulations promulgated thereunder, that are preempted pursuant to RCW 80.50.110(~~(+2)~~) as now or hereafter amended.