

State of Washington

Energy Facility Site Evaluation Council

(name of governing body)

(agency name, if applicable)

Resolution No. \_\_\_\_\_

Administrative Order No. 78-8

(1) Be it resolved by the Energy Facility Site Evaluation Council acting at Olympia, Washington

(place)

that it does promulgate and adopted the annexed rules relating to:

- (1) WAC 463-26-020 Notification of Local Authorities (amend)
(2) WAC 463-26-050 Purpose for Hearing (amend)

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 78-06-102 filed with the code reviser on 6-5-78. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being \_\_\_\_\_

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, \_\_\_\_\_, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- [] (a) This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute.
[X] (b) This rule is promulgated pursuant to RCW 80.50.040 (1) which directs that the

Energy Facility Site Evaluation Council

(agency)

has authority to implement the provisions of

Chapter 80.50 RCW

(name of act or RCW citation)

- [] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW \_\_\_\_\_

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) The order of this governing body recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 14, 1978

AUG 28 1978

By

William L. Fitch
Executive Secretary

Title

CODE REVISER'S OFFICE
WSR 78-09-081

STATE OF WASHINGTON  
ENERGY FACILITY SITE  
EVALUATION COUNCIL

STATEMENT OF PURPOSE AND IMPLEMENTATION  
NEW/AMENDED REGULATIONS

I. NAME OF AGENCY: Energy Facility Site Evaluation Council  
ADMINISTRATIVE ORDER NO: 78-8  
STATUTORY AUTHORITY: RCW 80.50.040 (1)

II. RULE TITLE:

- (1) WAC 463-26-020 Notification of Local Authorities (amend)
- (2) WAC 463-26-050 Purpose for Hearing (amend)

RULE SUMMARY and PURPOSE:

Section 020 concerns notifying the affected local authorities before scheduling the initial public hearing.

Section 050 concerns explaining the purpose of the initial public hearing at the commencement of the hearing and identifying the meaning of the terms "land use plans" and "zoning ordinance."

III. AGENCY RESPONSIBILITY FOR DRAFTING, IMPLEMENTING AND ENFORCING:

- A. Drafting: Legislative, Legal and Rules Committee  
Tom Stacer, Chairman 753-6417  
%Utilities & Transportation Comm.  
Olympia, WA 98504
- B. Implementing: William L. Fitch, Executive Secretary  
Energy Facility Site Evaluation Council  
820 East Fifth Avenue  
Olympia, WA 98504
- C. Enforcing: Nicholas D. Lewis, Chairman 753-7384  
Energy Facility Site Evaluation Council  
820 East Fifth Avenue  
Olympia, WA 98504

- IV. DATE OF HEARING: July 24, 1978  
DATE OF ADOPTION: August 14, 1978  
EFFECTIVE DATE: 30 days after date of filing  
NAMES OF OPPONENTS AND/OR PROPONENTS: None
- V. AGENCY COMMENTS, IF ANY: None

## Chapter 463-26

PROCEDURE--INITIAL PUBLIC HEARING ((NON-CONTESTED)) AND PUBLIC  
INFORMATION MEETINGAMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-020 NOTIFICATION OF ((COUNTY--LEGISLATIVE-AND-PORT DISTRICT)) LOCAL AUTHORITIES. Before scheduling the initial public hearing, the council will notify the legislative ((and-port-district authorities)) authority in each ((concerned)) county ((so--that--the county)), city and port district ((representatives-may-be-identified pursuant-to-RCW-80.50.030(4)-and-(5))) within whose boundaries the site of the proposed energy facility is located.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-050 ((PRIMARY)) PURPOSE FOR HEARING. At the commencement of the initial public hearing, the council shall explain that the ((primary--statutory)) purpose of the initial hearing under RCW 80.50.090(1) is to determine whether the proposed facility is consistent and in compliance with county or regional land use plans or zoning ordinances and that this matter shall have priority. Pursuant to RCW 80.50.020(15) "land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government under chapters 35.63, 35A.63, or 36.70 RCW. Pursuant to RCW 80.50.020(16) "zoning ordinance" means an ordinance of local government regulating the use of land and adopted pursuant to chapters 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.