

Chapter 463-28 WAC

((~~PROCEDURE--~~)) STATE PREEMPTION

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

WAC 463-28-010 Purpose ((~~and scope~~)). This chapter sets forth procedures to be followed by the council in determining whether to recommend to the governor that the state preempt local land use plans or zoning ordinances for a site or portions of a site for an energy facility.

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

WAC 463-28-030 Determination of noncompliance--Procedures. If the council determines during the hearing required by RCW 80.50.090 that the site of a proposed energy facility or any portion of a site is not consistent and in compliance with ((~~existing~~)) land use plans or zoning ordinances in effect at the date of the application, the following procedures shall be observed:

(1) As a condition necessary to continue processing the application, it shall be the responsibility of the applicant to make the necessary application for change in, or permission under, such land use plans or zoning ordinances, and make all reasonable efforts to resolve the noncompliance.

(2) All council proceedings on the application for certification may be stayed at the request of the applicant during the period when the plea for resolution of noncompliance is being processed by local authorities.

(3) The applicant shall submit regular reports to the council regarding the status of negotiations with local authorities on noncompliance issues.

REPEALER

The following section of the Washington Administrative Code
is repealed:

WAC 463-28-090

Governing rules.