Chapter 463-28 WAC

STATE PREEMPTION

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 or portions of a site for an energy facility, or alternative energy facility.

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 energy facilities.

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

(10/9/07)

463-28-030  Determination of noncompliance—Procedures. (1) Should the council determine under WAC 463-26-110 a site or any portions of a site is inconsistent it will schedule an adjudicative proceeding under chapter 463-30 WAC to consider preemption.

463-28-040  Inability to resolve noncompliance. (2) The proceeding for preemption may be combined or scheduled concurrent with the adjudicative proceeding held under RCW 80.50.090(3).

463-28-050  Failure to request preemption. (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 or portions of a site for the energy facility or alternative energy resource proposed by the applicant.

463-28-060  Adjudicative proceeding. (1) The proceeding for preemption may be combined or scheduled concurrent with the adjudicative proceeding held under RCW 80.50.090(3).

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 state or local governmental or community interests affected by the construction or operation of the energy facility or alternative energy resource and the purposes of laws or ordinances, or rules or regulations promulgated thereunder that are preempted pursuant to RCW 80.50.110(2).

463-28-080  Preemption—Recommendation.

WAC 463-28-080 Preemption—Recommendation. The council's determination on a request for preemption shall be part of its recommendation to the governor pursuant to RCW 80.50.100.
