Chapter 463-26 WAC

PUBLIC INFORMATIONAL MEETING AND LAND USE HEARING

WAC 463-26-010 Purpose. This chapter sets forth the procedures to be followed in the conduct of the public informational meeting pursuant to RCW 80.50.090(1) as described in WAC 463-26-025, and the public land use hearing held pursuant to RCW 80.50.090(2). [Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-26-035, filed 10/11/04, effective 11/11/04.]

WAC 463-26-020 Notification of local authorities. Before conducting either the public informational meeting under RCW 80.50.090(1) or the public land use hearing under RCW 80.50.090(2), the council will notify the legislative authority in each county, city and port district within whose boundaries the site of the proposed energy facility is located. [Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-26-020, filed 10/11/04, effective 11/11/04.]

WAC 463-26-030 Purpose. The purpose of the hearing under RCW 80.50.090(1) is to determine whether at the time of application the proposed facility was consistent and in compliance with land use plans and zoning ordinances. 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. [Statutory Authority: RCW 80.50.040 (1) and (12). WSR 87-01-065 (Order 77-8), § 463-26-030, filed 12/17/86; Order 109, § 463-26-080, filed 11/16/76.]
WAC 463-26-060 Public announcement—Testimony. At the outset of the public land use hearing, the council shall publicly announce that opportunity for testimony by anyone shall be allowed relative to the consistency and compliance with land use plans and zoning ordinances.

WAC 463-26-090 Procedure where certificates affirming compliance with land use plans and zoning ordinances are presented. This rule contemplates that applicants will enter as exhibits, at the land use hearing, certificates from local authorities attesting to the fact that the proposal is consistent and in compliance with land use plans and zoning ordinances. In cases where this is done, such certificates will be regarded as *prima facie* proof of consistency and compliance with such land use plans and zoning ordinances absent contrary demonstration by anyone present at the hearing.

WAC 463-26-100 Procedure where no certificates relating to land use plans and zoning ordinances are presented. In cases where no certificates relating to land use plans and zoning ordinances are presented to the council, then the applicant and local authorities shall address compliance or noncompliance with land use plans or zoning ordinances.

WAC 463-26-110 Determination regarding land use plans and zoning ordinances. The council shall make a determination as to whether the proposed site is consistent and in compliance with land use plans and zoning ordinances pursuant to RCW 80.50.090(2).