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.
[Statutory Authority: RCW 80.50.040(1). WSR 07-21-035, § 463-28-010, filed 10/9/07, effective 11/9/07. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 83-08-031 (Order 83-2), § 463-28-010, 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 energy facilities.
[Statutory Authority: RCW 80.50.040(1). WSR 78-07-036 (Order 78-3), § 463-28-010, filed 6/23/78.[]

WAC 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).
(2) 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.

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 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).
[Statutory Authority: RCW 80.50.040(1). WSR 07-21-035, § 463-28-070, filed 10/9/07, effective 11/9/07; WSR 78-07-036 (Order 78-3), § 463-28-070, filed 6/23/78.[]

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.