

Chapter 463-26 WAC
PUBLIC INFORMATIONAL MEETING AND LAND USE HEARING

Last Update: 10/11/04

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

463-26-030 News releases. [Order 109, § 463-26-030, filed 11/16/76.] Repealed by WSR 92-09-013, filed 4/2/92, effective 5/3/92. Statutory Authority: RCW 80.50.040(1).
463-26-040 Adversary nature of hearings. [Order 109, § 463-26-040, filed 11/16/76.] Repealed by WSR 04-21-013, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040 (1) and (12).
463-26-070 Introduction of counsel for the environment. [Order 109, § 463-26-070, filed 11/16/76.] Repealed by WSR 04-21-013, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040 (1) and (12).
463-26-080 Explanation of entire certification process. [Statutory Authority: RCW 80.50.040(1). WSR 87-01-065 (Order 86-1), § 463-26-080, filed 12/17/86; Order 109, § 463-26-080, filed 11/16/76.] Repealed by WSR 04-21-013, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040 (1) and (12).
463-26-120 Initial determination subject to review. [Statutory Authority: RCW 80.50.040. WSR 91-03-090, § 463-26-120, filed 1/18/91, effective 2/18/91; Order 109, § 463-26-120, filed 11/16/76.] Repealed by WSR 04-21-013, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040 (1) and (12).
463-26-130 Public information meeting. [Statutory Authority: RCW 80.50.040. WSR 91-03-090, § 463-26-130, filed 1/18/91, effective 2/18/91; Order 109, § 463-26-130, filed 11/16/76.] Repealed by WSR 04-21-013, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040 (1) and (12).

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) and 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, § 463-26-010, filed 10/11/04, effective 11/11/04; Order 109, § 463-26-010, filed 11/16/76.]

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. Statutory Authority: RCW 80.50.040(1). WSR 78-09-081 (Order 78-8), § 463-26-020, filed 8/28/78; Order 109, § 463-26-020, filed 11/16/76.]

WAC 463-26-025 Public informational meeting. The council shall conduct at least one public informational meeting concerning each application. At this meeting, the council will present the general pro-

cedure to be followed in processing the application including a tentative sequence of council actions, the rights and methods of participation by local government in the process, and the means and opportunities for the general public to participate.

(1) The applicant shall make a presentation of the proposed project utilizing appropriate exhibits. The presentation shall include: A general description of the project and the proposed site; reasons why the proposed site or location was selected; and a summary of anticipated environmental, social, and economic impacts.

(2) The general public shall be afforded an opportunity to present written or oral comments relating to the proposed project. The comments may become part of the adjudicative proceeding record.

(3) The informational meeting shall be held in the general proximity of the proposed project as soon as practicable within sixty days after receipt of an application for site certification.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-26-025, filed 10/11/04, effective 11/11/04.]

WAC 463-26-035 Introduction of counsel for the environment. The council shall invite the counsel for the environment to be present at the public informational meeting. Counsel for the environment shall be introduced and afforded an opportunity to explain his or her statutory duties under chapter 80.50 RCW.

[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 463-26-050 Purpose for land use hearing. At the commencement of the public land use hearing, the council shall explain that the purpose of the hearing under RCW 80.50.090(2) 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 04-21-013, § 463-26-050, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1). WSR 78-09-081 (Order 78-8), § 463-26-050, filed 8/28/78; Order 109, § 463-26-050, 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.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-26-060, filed 10/11/04, effective 11/11/04; Order 109, § 463-26-060, filed 11/16/76.]

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.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-26-090, filed 10/11/04, effective 11/11/04; Order 109, § 463-26-090, filed 11/16/76.]

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.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-26-100, filed 10/11/04, effective 11/11/04; Order 109, § 463-26-100, filed 11/16/76.]

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).

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-26-110, filed 10/11/04, effective 11/11/04; Order 109, § 463-26-110, filed 11/16/76.]