

**WAC 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.

(2) The proceeding for preemption may be combined or scheduled concurrent with the adjudicative proceeding held under RCW 80.50.090(3).

(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.

[Statutory Authority: RCW 80.50.040(1). WSR 07-21-035, § 463-28-060, filed 10/9/07, effective 11/9/07. Statutory Authority: RCW 80.50.040. WSR 91-03-090, § 463-28-060, filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 80.50.040(1). WSR 83-08-031 (Order 83-2), § 463-28-060, filed 3/31/83; WSR 78-07-036 (Order 78-3), § 463-28-060, filed 6/23/78.]