

4 By Representative Elliot

5

6 On page 36, after line 30 of the amendment, insert the following:

7 "NEW SECTION. **Sec. 34.** The legislature recognizes that the
8 availability of minerals through surface mining is essential to the
9 economic well-being of the state and nation. The citizens of the state
10 are rapidly running out of approved or designated sites to extract
11 these minerals. Therefore, the available sources of these minerals are
12 nearly exhausted.

13 The state has enacted several laws in recent years directing local
14 governments to make land use decisions for appropriate uses of land
15 through designation in advance of or during the comprehensive planning
16 process and then to limit the specific approval process to mitigating
17 specific impacts of the use or uses allowed by the designation. The
18 current planning and regulatory environment makes economically viable
19 permits unobtainable for the vast majority of the sites where the
20 minerals are located and needed.

21 The cost of transportation of minerals for any significant distance
22 can have a compounding effect on the costs to the taxpayers of the
23 state. Surface mining must take place in diverse areas where the
24 geologic, topographic, climatic, biologic, and social conditions are
25 significantly different, and reclamation specifications must vary
26 accordingly. But surface mining is a finite use of the land and
27 another beneficial use must follow through reclamation.

28 Therefore, the legislature finds that designation, production, and
29 conservation of adequate sources of minerals under section 35 of this
30 act is in the best interests of the citizens of the state.

31 NEW SECTION. **Sec. 35.** A new section is added to chapter 36.70A
32 RCW to read as follows:

33 (1)(a) Where the county has classified mineral lands pursuant to
34 RCW 36.70A.050 and mineral resource lands of long-term commercial
35 significance exist, a county shall designate sufficient mineral
36 resource lands in the comprehensive plans to meet the projected twenty-
37 year, county-wide need. Once designated, mineral resource uses,

1 including operations as defined in RCW 78.44.031, shall be established
2 as an allowed use in local development regulations.

3 (b) The county shall designate mineral resource deposits, both
4 active and inactive, in economically viable proximity to locations
5 where the deposits are likely to be used.

6 (c) This section has no applicability to metals mining and milling
7 operations as defined in RCW 78.56.020.

8 (d) Proximity provisions of (b) of this subsection and subsection
9 (5)(a) of this section do not apply to metallic placer, dolomite,
10 limestone, magnesite, or quartzite deposits, and any activity related
11 to the development or operation of such deposits.

12 (2) Nothing in this section precludes any unit of government from
13 accepting the lowest responsible bid for purchase of mineral materials,
14 regardless of source.

15 (3) Through its comprehensive plan and development regulations, as
16 defined in RCW 36.70A.030, a county, city, or town shall discourage the
17 siting of new applications of incompatible uses adjacent to mineral
18 resource industries, deposits, and holdings.

19 (4) Any additions or amendments to comprehensive plans or
20 development regulations required by this section shall be adopted at
21 the next regularly scheduled amendment of the comprehensive plan or
22 development regulations which occurs at least six months after the
23 effective date of this section.

24 (5) For the purposes of this section:

25 (a) "Long-term commercial significance" includes the mineral
26 composition of the land for long-term economically viable commercial
27 production, in consideration with the mineral resource land's proximity
28 to population areas, product markets, and the possibility of more
29 intense uses of the land.

30 (b) "Allowed use" means the use or uses specified by local
31 development regulations as appropriate within those areas designated
32 through the advance or comprehensive planning process. Once
33 designated, a proposed allowed use shall be reviewed for project
34 specific impacts and may be conditioned to mitigate significant adverse
35 impacts within the context of site plan approval, but such review shall
36 not revisit the question of land use.

37 (6) Nothing in this section shall modify the procedures and
38 requirements of chapter 43.21C RCW and allowed uses shall be reviewed
39 in accordance with chapter 43.21C RCW."

1 Renumber the remaining section consecutively.

2 SSB 6543 - H AMD TO GOVT COMM AMD (H5307.1)

3 By Representative

4

5 On page 37, line 6 of the title amendment, after "43.05 RCW;"
6 insert "adding a new section to chapter 36.70A RCW; creating a new
7 section;"

--- END ---