

2 EHB 1472 - S COMM AMD

3 By Committee on Natural Resources & Parks

4 ADOPTED 4/14/97

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** 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 an effect on the costs to the taxpayers of the state. Surface  
23 mining must take place in diverse areas where the geologic,  
24 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 is in the best interests  
30 of the citizens of the state.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
32 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

1 resource lands in the comprehensive plans to meet the projected twenty-  
2 year, county-wide need. Once designated, mineral resource uses,  
3 including operations as defined in RCW 78.44.031, shall be established  
4 as an allowed use in local development regulations.

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

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

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

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

17 (4) Any additions or amendments to comprehensive plans or  
18 development regulations required by this section may be adopted during  
19 the normal course of adopting or amending the comprehensive plan or  
20 development regulations.

21 Reasonable notice of additions or amendments to comprehensive plans  
22 or development regulations shall be given to property owners and other  
23 affected and interested individuals. The county shall use either an  
24 existing reasonable notice provision already employed by the county or  
25 a new reasonable notice provision, including any of the following:

26 (a) Notifying owners of real property, as shown by the records of  
27 the county assessor, located within three hundred feet of the  
28 boundaries of the proposed designation;

29 (b) Publishing notice in a newspaper of general circulation in the  
30 county, city, or general area where the mineral resource deposits are  
31 located;

32 (c) Notifying public or private groups with known interest in the  
33 proposed mineral resource designation; or

34 (d) Placing notices in appropriate regional, neighborhood, or trade  
35 journals.

36 (5) For the purposes of this section:

37 (a) "Long-term commercial significance" includes the mineral  
38 composition of the land for long-term economically viable commercial  
39 production, in consideration with the mineral resource land's proximity

1 to population areas, product markets, and the possibility of more  
2 intense uses of the land.

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

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13 On page 1, line 1 of the title, after "designation;" strike the  
14 remainder of the title and insert "adding a new section to chapter  
15 36.70A RCW; and creating a new section."

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