

FINAL BILL REPORT

EHB 1472

FULL VETO

Brief Description: Providing for designation of mineral resource lands.

Sponsors: Representatives Reams, Romero, Pennington, Sherstad and Lantz.

House Committee on Government Reform & Land Use

House Committee on Appropriations

Senate Committee on Natural Resources & Parks

Background: The Growth Management Act (GMA) requires certain counties, and the cities within those counties to use an agreed-upon procedure to adopt a county-wide planning policy. This policy establishes a framework from which the county and cities in the county develop and adopt comprehensive plans, which must be consistent with the county-wide planning policy. The GMA requires counties to address certain issues in the comprehensive plan (land use, housing, capital facilities plan, utilities, rural designation, transportation) and to protect critical areas, designate and conserve certain natural resource lands, and designate urban growth areas. Finally, each county and city adopts development regulations consistent with its comprehensive plan.

All counties that plan under the GMA and that contain mineral resource lands must designate mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals. The GMA cities and counties must consider the mineral resource lands classification guidelines adopted by the Department of Community, Trade and Economic Development (CTED). CTED must consult with the Department of Natural Resources to guide counties and cities in classifying mineral resource lands. To carry out this process, the CTED must consult with interested parties and conduct public hearings around the state.

After designating the mineral resource lands, the county, city, or town must adopt development regulations to conserve the designated mineral resource lands but these entities may not adopt regulations that prohibit uses legally existing on any land before the county adopted the regulations. The development regulations must assure that the use of lands adjacent to mineral resource lands will not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of lands designated for the extraction of minerals.

Summary: Two provisions regarding mineral lands are added to the GMA. The first provision states the legislative intent regarding the importance of mining and the

legislative finding that designation, production, and conservation of adequate sources of minerals is in the best interests of the citizens of the state. The second provision states that if a county contains mineral resource lands of long-term commercial significance and the county classifies mineral lands under the GMA, the county must designate sufficient mineral resource lands in its comprehensive plan to meet the projected 20-year, county-wide need.

Once a county designates mineral resource uses (including mining operations) those uses must be established as an allowed use in local development regulations. Allowed uses are those uses specified by local development regulations as appropriate within those areas designated through the advance or comprehensive planning process.

Once designated, a proposed allowed use must be reviewed for project specific impact and may be conditioned to mitigate significant adverse impacts within the context of site plan approval. This type of a review may not however, revisit the question of use of the land for mine-related operations.

The county or city must also designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used. Through the comprehensive plan, the counties and cities must discourage the siting of new applications of incompatible uses which are adjacent to mineral resource industries, deposits, and holdings.

Amendments or additions to comprehensive plans or development regulations pertaining to mineral resource lands may be adopted in the same manner as other changes to the comprehensive plan or development regulations.

Any additions or amendments to comprehensive plans or development regulations require reasonable notice to property owners and other affected and interested individuals. The county may use an existing method of reasonable notice or use any one of several enumerated options.

Votes on Final Passage:

House 79 19
Senate 33 14 (Senate amended)
House 75 17 (House concurred)