

HOUSE BILL ANALYSIS

SB 5434

- Title:** An act relating to mineral resource land designation
- Brief Description:** Adds a new section to the Growth Management Act to require that a county that has classified mineral resource lands of long-term commercial significance must designate sufficient mineral resource lands in the comprehensive plans to meet the projected 20-year, county-wide need.
- Sponsors:** Senators Stevens, Hargrove, Anderson, Rasmussen, Rossi and Benton
- Hearing Date:** March 26, 1997

Background:

The Growth Management Act (GMA) requires certain counties and the cities within them 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 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 GMA's parent agency,— the Department of Community, Trade and Economic Development (DCTED). DCTED must consult with the Department of Natural Resources in order to guide counties and cities in classifying mineral resource lands. To carry out this process, DCTED must consult with interested parties (the list includes cities, counties, developers, builders, environmentalists, Indian tribes, and others) 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 cannot 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 of Bill:

Two provisions are added to the Growth Management Act. The first sets forth the legislative intent regarding the importance of mining and the Legislature's 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 changes what a county must do once it has classified mineral lands pursuant to the guidelines set forth by the Department of Community, Trade and Economic Development. If a county contains mineral resource lands of long-term commercial significance (defined as including the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land), 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, defined as all mine-related activities exclusive of reclamation, that include, but are not limited to activities that affect noise generation, air quality, surface and ground water quality, quantity, and flow, glare, pollution, traffic safety, ground vibrations, and/or significant or substantial impacts commonly regulated under provisions of land use or other permits of local government and local ordinances, or other state laws), those uses must be established as an *allowed use* in local development regulations. Allowed use is defined as the 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 is reviewed for project specific impact and may be *conditioned* to mitigate significant adverse impacts within the context of site plan approval, but this type of a review cannot "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 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.

Fiscal Note: None requested. Fiscal note on House companion bill available.