

SENATE BILL REPORT

EHB 1472

As Reported By Senate Committee On:
Natural Resources & Parks, April 4, 1997

Title: An act relating to mineral resource land designation.

Brief Description: Providing for designation of mineral resource lands.

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

Brief History:

Committee Activity: Natural Resources & Parks: 4/1/97, 4/4/97 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Roach, Snyder, Stevens and Swecker.

Staff: Vic Moon (786-7469)

Background: The Growth Management Act (GMA) requires certain counties and the cities within them to use an agreed-upon procedure to adopt a countywide 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 countywide planning policy. 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 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. GMA cities and counties must consider the mineral resource lands classification guidelines adopted by 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 these entities 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 Amended Bill: Two provisions are added to GMA. The first provision sets forth 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 GMA, the county must designate sufficient mineral resource lands in its comprehensive plan to meet the projected 20 year countywide 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. However, this type of a review cannot "revisit" the question of use of the land for mine-related operations.

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 examples.

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.

Amended Bill Compared to Original Bill: The word exponential– is deleted from the intent section.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Once lands are designated activities compatible with mining should be allowed and residence use should not be zoned near potential sites.

Testimony Against: The proposal will mean counties have to redo plans and allow mining in the future.

Testified: Bruce Barnbaum, Stillaguamish Citizens' Alliance (con); Sharon Damkaer, Ray Peterson, People for the Preservation of Tualco Valley (con); Melanie Jordan Hecla, Snohomish County Aggregate Producers Group (pro); Robin Nelson (pro); Rick Langley (pro); Max Davies, CSR Assoc. (pro); Ron Sommers, Lonestar NW (pro); Ric Abbett, Trout Unlimited (con); Alan Darr, operating engineer (pro); Scott Merriman, WA Environmental Council (con); Paul Parker, WA State Association of Counties (pro); Chuck Williams, Clark County (pro); Robert Dilger, WA State Building Trades (pro).