

# SENATE BILL REPORT

## SB 5434

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As Passed Senate, March 10, 1997

**Title:** An act relating to mineral resource land designation.

**Brief Description:** Providing for designation of mineral resource lands.

**Sponsors:** Senators Stevens, Hargrove, Anderson, Rasmussen, Rossi and Benton.

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 2/27/97 [DP].  
Passed Senate, 3/10/97, 33-15.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** Do pass.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, 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. 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 including cities, counties, developers, builders, environmentalists, and Indian tribes 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:** 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 countywide 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 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.

**Appropriation:** None.

**Fiscal Note:** None requested.

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

**Testimony For:** This bill has been before the Legislature before and the problem of allowed use— has been solved by providing a definition. The bill is needed to secure mineral deposits for future use.

**Testimony Against:** None.

**Testified:** Mark Triplett, WACA (pro).

**House Amendment(s):** The House amendment defines local operation regulatory authority for GMA designated lands.

The Legislature finds that surface mining is economically vital and that obtaining necessary permits for mining is often cost prohibitive.

Local governments may regulate surface mining operations by ordinance. Local governments' authority under the State Environmental Policy Act is continued. Counties, cities, and towns have the authority to zone surface mines and adopt ordinances regulating operations. DNR may delegate some or all enforcement authority to a county, city, or town.

The Legislature must study the scope of local government impacts and report to the 1998 session. The Legislature will review the scope and impacts of local ordinances, the development of a model ordinance, regulatory overlap, and the reclamation of abandoned mines.

Objective, performance-based mining operating standards must be used for mining lands designated under the Growth Management Act. A local ordinance is implemented through an operating plan review and approval process.

Local governments must limit application and monitoring fees to the amount necessary to pay for administering, processing, monitoring, and enforcing surface mining regulation. Approvals issued must remain valid for 50 years, or until the mineral resource is exhausted, whichever occurs earlier. An expedited review process for operation plans is provided at the option of the local government. DNR is not authorized to regulate the operations that local governments decide not to regulate.

Ordinances and amendments may be adopted to update existing mining operations if: (1) the traffic ordinance applies only to the designation of approved haul routes; (2) a reasonable time period is provided for compliance with new or amended local operating standards; and (3) a variance procedure is included to allow continuation of existing mining operations where strict adherence to a standard would be economically or operationally impractical. The local ordinance must also exempt preexisting operations from any operating plan review and approval process.