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**SENATE BILL 5434**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senators Stevens, Hargrove, Anderson, Rasmussen, Rossi and Benton

Read first time 01/27/97. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to mineral resource land designation; adding a new  
2 section to chapter 36.70A RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature recognizes that the  
5 availability of minerals through surface mining is essential to the  
6 economic well-being of the state and nation. The citizens of the state  
7 are rapidly running out of approved or designated sites to extract  
8 these minerals. Therefore, the available sources of these minerals are  
9 nearly exhausted.

10 The state has enacted several laws in recent years directing local  
11 governments to make land use decisions for appropriate uses of land  
12 through designation in advance of or during the comprehensive planning  
13 process and then to limit the specific approval process to mitigating  
14 specific impacts of the use or uses allowed by the designation. The  
15 current planning and regulatory environment makes economically viable  
16 permits unobtainable for the vast majority of the sites where the  
17 minerals are located and needed.

18 The cost of transportation of minerals for any significant distance  
19 can have an exponential effect on the costs to the taxpayers of the

1 state. Surface mining must take place in diverse areas where the  
2 geologic, topographic, climatic, biologic, and social conditions are  
3 significantly different, and reclamation specifications must vary  
4 accordingly. But surface mining is a finite use of the land and  
5 another beneficial use must follow through reclamation.

6 Therefore, the legislature finds that designation, production, and  
7 conservation of adequate sources of minerals is in the best interests  
8 of the citizens of the state.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
10 to read as follows:

11 (1)(a) Where the county has classified mineral lands pursuant to  
12 RCW 36.70A.050 and mineral resource lands of long-term commercial  
13 significance exist, a county shall designate sufficient mineral  
14 resource lands in the comprehensive plans to meet the projected twenty-  
15 year, county-wide need. Once designated, mineral resource uses,  
16 including operations as defined in RCW 78.44.031, shall be established  
17 as an allowed use in local development regulations.

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

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

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

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

30 (4) Any additions or amendments to comprehensive plans or  
31 development regulations required by this section may be adopted during  
32 the normal course of adopting or amending the comprehensive plan or  
33 development regulations.

34 (5) For the purposes of this section:

35 (a) "Long-term commercial significance" includes the mineral  
36 composition of the land for long-term economically viable commercial  
37 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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