

HOUSE BILL REPORT

HB 1225

As Reported by House Committee On:
Environment

Title: An act relating to planning for the availability of mineral resources for future generations under the growth management act.

Brief Description: Requiring planning for the availability of mineral resources for future generations under the growth management act.

Sponsors: Representatives Pike, Fitzgibbon, Manweller, Blake, Wylie, Peterson and McDonald.

Brief History:

Committee Activity:

Environment: 1/24/17, 2/14/17 [DPS].

Brief Summary of Substitute Bill

- Adds the maintenance and enhancement of mineral resource lands and industries as a component of the natural resource goals of the Growth Management Act.
- Requires cities and counties to designate all property that has long-term significance for mineral extraction as mineral resource lands.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Maycumber, Assistant Ranking Minority Member; Buys, Dye, Fey, Kagi and McBride.

Minority Report: Do not pass. Signed by 1 member: Representative Taylor, Ranking Minority Member.

Staff: Jacob Lipson (786-7196).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

The GMA directs jurisdictions that fully plan under the GMA (planning jurisdictions) to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are implemented through locally adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA.

Planning Goals and Requirements.

For the purpose of guiding the addition of comprehensive plans and development regulations, planning jurisdictions must consider 13 nonprioritized goals set forth in statute. Among these 13 goals that planning jurisdictions must consider is the enhancement and maintenance of natural resource industries, which are enumerated to include productive timber, agricultural, and fisheries industries, and the encouragement of the conservation of productive forest lands and agricultural lands while discouraging incompatible uses.

Natural Resource Lands.

The GMA provides that all counties and cities are obligated to designate, where appropriate, natural resource lands of long-term commercial significance, and environmentally sensitive areas. Areas of long-term commercial significance must be designated based on their growing capacity, productivity, and soil composition of the land for long-term commercial production, taking into consideration the land's proximity to population areas, and the possibility of more intense land uses. In addition to certain agricultural lands, forest lands, and environmentally sensitive areas known as critical areas, these designation requirements apply to mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals including gravel, sand, and valuable metallic substances. In the rules adopted by the Department of Commerce to guide city and county designations of mineral resource lands, a number of factors are directed to be considered, including details regarding the location and quality of the mineral resource, proximity to market, short- and long-term land use patterns near the resource, and projected needs for the mineral relative to supply from currently designated mineral resource lands.

Planning jurisdictions must adopt development regulations to assure the conservation of mineral resource lands and other designated resource lands of long-term commercial significance.

Growth Management Act–Comprehensive Plan Updates.

Planning jurisdictions are required to review and, if needed, revise their comprehensive plans and development regulations every eight years. Cities and counties that are not planning

jurisdictions under the GMA must also periodically review and revise policies and development regulations that apply to natural resource lands and critical areas.

As part of the review of development regulations and comprehensive plans or policies, cities and counties must review their mineral resource land designations and mineral resource land development regulations, taking into consideration:

- new information available since the adoption of the last plan or development regulations, including mineral resource deposit data made available by the Department of Natural Resources (DNR); and
- new or amended model mineral resource land development regulations prepared by the DNR, the Department of Commerce, or the Washington State Association of Counties.

Department of Natural Resources Mineral Resources Activities.

The DNR is the state agency responsible for carrying out a variety of mining and mineral resource activities, including:

- supervising the state geological survey;
- collecting and publishing statistics and information regarding mining, milling, and metallurgy;
- studying mineral resources and mineral industries of the state; and
- issuing bulletins and reports that include illustrations and maps with detailed mineral resource information.

Summary of Substitute Bill:

The construction of mineral resource lands and the enhancement and maintenance of mineral resource industries are added to the enumerated categories of natural resource lands and industries that planning jurisdictions must use to guide the adoption of their comprehensive goals and development regulations.

Planning jurisdictions are required to designate all property that has long-term significance for mineral resource extraction. Lands with long-term mineral resource extraction significance that were previously designated as agricultural lands or forestlands are not required to be de-designated, but instead must receive an additional overlapping designation by cities and counties as mineral resource lands. This designation must be based on the types of mineral resource information that cities and counties consider when updating mineral resource land policies, development regulations, or comprehensive plans, as well as other relevant information about mineral resource land locations known by the city or county. The requirement that all properties with long-term commercial significance for mineral extraction be designated as mineral resource land must not be limited, made contingent upon, or deferred by population growth protections or mineral resource supply or demand forecasts, including 20-year supply threshold market analyses. The obligations or authorities of cities and counties to require site-specific permits for mineral resource land development are not limited or restricted by the provisions of the GMA.

Substitute Bill Compared to Original Bill:

The substitute bill removes provisions that changed the mineral resource activity notices that must be included in development permits, building permits, plats, and short plats located in or near mineral resource lands designated under the GMA.

Lands with long-term mineral resource extraction significance that were previously designated as agricultural lands or forestlands are not required to be de-designated, but instead must receive an additional overlapping designation by cities and counties as mineral resource lands. A county or city must, in designating mineral resource lands, consider all relevant information known to the county or city regarding the locations of mineral resource lands of long-term significance.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Demand for gravel, sand, and other mined materials is significant, and continues to grow as the state's population increases. Mineral resources need to be protected in areas where the transportation costs to bring those resources to market are low. Developments and zoning surrounding mineral resource lands should be compatible with allowing continued use of the mine. The GMA expresses intent to designate and protect mineral resource lands, but in practice that goal is not always sufficiently achieved. This bill does not interfere with the permitting processes that mineral resource land development will need to go through in order for a mine to actually begin operating. It takes 10 years to get a gravel mine permit, and if additional mineral resource lands are not designated soon, the state risks running out of sufficient local supply to meet demand.

(Opposed) Adding the protection of mineral resource lands to the goals of the GMA is unobjectionable. It is fine to ensure the protection of mineral resource lands under the GMA; the bill should not, however, prioritize the protection of mineral resource lands above other types of natural resource lands. The provisions that eliminate notification associated with mineral resource land activities are concerning.

(Other) Cities have not provided any negative feedback on the idea of including the preservation of mineral resources lands among the goals of the GMA. Permanently protecting all mineral resource lands within cities might not be the most balanced use of limited land areas for development.

Persons Testifying: (In support) Representative Pike, prime sponsor; and Bruce Chattin, Washington Aggregates and Concrete Association.

(Opposed) Bryce Yadon, Futurewise; and Dawn Vyvyan, Yakama Nation and Puyallup Tribe.

(Other) Carl Schroeder, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.