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**SUBSTITUTE HOUSE BILL 2942**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** House Environment (originally sponsored by Representatives Walsh, Taylor, Van Werven, and Shea)

AN ACT Relating to planning for the availability of mineral resources; and amending RCW 36.70A.020 and 36.70A.131.

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

**Sec.**  RCW 36.70A.020 and 2002 c 154 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, ((~~and~~)) fisheries, and mineral resource industries. Encourage the conservation of productive forestlands ((~~and productive~~)), agricultural lands, and mineral resource lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

**Sec.**  RCW 36.70A.131 and 1998 c 286 s 7 are each amended to read as follows:

(1) As part of the review required by RCW 36.70A.130(1), a county or city shall review its mineral resource lands designations adopted pursuant to RCW 36.70A.170 and mineral resource lands development regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its review, the county or city shall take into consideration:

((~~(1)~~)) (a) New information made available since the adoption or last review of its designations or development regulations, including data available from the department of natural resources relating to mineral resource deposits; and

((~~(2)~~)) (b) New or modified model development regulations for mineral resource lands prepared by the department of natural resources, the department of ((~~community, trade, and economic development~~)) commerce, or the Washington state association of counties.

(2)(a) In order to protect mineral resource lands from incompatible uses and to maintain the long-term commercial viability of mineral resource extraction, each county and city must designate as mineral resource lands all lands without residential development that have long-term significance for the extraction of minerals. Mineral resource lands of long-term significance that were previously designated as agricultural lands or forestlands are not required to be redesignated, but must also receive an overlapping designation as mineral resource lands. A county or city may not designate as mineral resource lands pursuant to this subsection (2) lands that have already been designated as agricultural lands unless the county or city first determines that the overlapping mineral resource lands designation will not have a substantial adverse impact on the agricultural lands.

(b) In making designations consistent with (a) of this subsection, a county or city must consider information submitted in subsection (1)(a) and (b) of this section, as well as other relevant information known to the county or city regarding the locations of mineral resource lands of long-term significance.

(c) The requirement to designate mineral resource lands of long-term significance consistent with (a) of this subsection must not be limited, made contingent upon, or deferred by population growth projections or mineral resource supply or demand forecasts, including twenty-year supply threshold market analyses.

(d) Nothing in this chapter limits or restricts the obligation or authority of a county or city to require site-specific permits for the development of designated mineral resource lands.

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