

HOUSE BILL REPORT

ESHB 2529

As Passed House:

February 6, 1996

Title: An act relating to mineral resource land designation.

Brief Description: Providing for designation of mineral resource lands.

Sponsors: By House Committee on Government Operations (originally sponsored by Representatives Elliot, Grant, Mastin, Sheldon, Reams, D. Schmidt, Scott, Hymes and Thompson).

Brief History:

Committee Activity:

Government Operations: 1/24/96, 1/26/96 [DPS].

Floor Activity:

Passed House: 2/6/96, 96-0.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; Scheuerman; D. Schmidt; Van Luven and Wolfe.

Staff: Bill Lynch (786-7092).

Background: The Growth Management Act requires counties, cities, and towns that plan under that act, where appropriate, to designate mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals. The county, city, or town must consider the guidelines established by the Department of Community, Trade and Economic Development for classifying mineral resource lands.

After designating the mineral resource lands, the county, city, or town must adopt development regulations that conserve the designated mineral resource lands.

"Minerals" are defined to include gravel, sand, and valuable metallic substances.

It has been suggested that the siting of incompatible uses near mineral resource lands will preclude the extraction of these minerals to the detriment of the general public.

Summary of Bill: When a county has classified mineral lands and mineral resource lands of long-term commercial significance, the county must designate sufficient mineral resource lands in the comprehensive plans to meet the projected 20-year county-wide need. Metals mining and milling operations are excluded from the provisions of the bill.

Once mineral resource lands are designated, local development regulations must include mine-related operations as an allowed use. Operations are defined as all mine-related activities, exclusive of reclamation, and specifically include the mining of rock, stone, gravel, sand, earth, and other minerals; blasting, equipment maintenance, sorting, crushing, and loading; on-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling; and transporting minerals to and from the mine, on-site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

Once mine-related operations are designated as an allowed use, a proposed allowed use must be reviewed for project specific impacts and may be conditioned to mitigate significant adverse impacts. The question of the use of the land for mine-related operations may not be revisited after the mine-related operations have been designated as an allowed use.

The county, city, or town must designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used. Counties, cities, and towns are required to discourage the siting of new applications of incompatible uses adjacent to mineral resource industries, deposits, and holdings.

Amendments or additions to the comprehensive plan 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: Not requested.

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

Testimony For: This compromise ensures that there will be adequate consideration of mitigation for project specific impacts. When these operations get pushed farther

and farther out, costs go up because of extra delivery time, and there is more wear and tear on the roads. Money will go into family-wage jobs instead of litigation.

Testimony Against: The process should require working with local governments in a manner similar to the designation of critical areas under growth management.

Testified: Representative Elliot, prime sponsor; Mark Triplett, Washington Aggregate and Concrete; Paul Parker, Washington State Association of Counties; John Woodring, Northwest Mining Association; Allan Darr, Union Local 302; Chuck Williams, Clark County; and Scott Merriman, Washington Environmental Council (with concerns).