
HOUSE BILL 2529

State of Washington

54th Legislature

1996 Regular Session

By Representatives Elliot, Grant, Mastin, Sheldon, Reams, D. Schmidt, Scott, Hymes and Thompson

Read first time 01/12/96. Referred to Committee on Government Operations.

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, city, or town shall designate sufficient
14 mineral resource lands in the comprehensive plans to meet the projected
15 twenty-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, city, or town shall designate mineral resource
19 deposits, both active and inactive, in economically viable proximity to
20 locations where the deposits are likely to be used.

21 (c) The county-wide need and proximity provisions of this section
22 do not apply to metals mining and milling operations as defined in RCW
23 78.56.020.

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

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

31 (4) For the purposes of this section:

32 (a) "Long-term commercial significance" includes the mineral
33 composition of the land for long-term economically viable commercial
34 production, in consideration with the mineral resource land's proximity
35 to population areas, product markets, and the possibility of more
36 intense uses of the land.

37 (b) "Allowed use" means the use or uses specified by local
38 development regulations as appropriate use within those areas

1 designated through the advance or comprehensive planning process. Once
2 designated, a proposed allowed use shall be reviewed for project
3 specific impacts and such review shall not revisit the question of land
4 use.

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