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ENGROSSED HOUSE BILL 1472

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Reams, Romero, Pennington, Sherstad and Lantz

Read first time 01/28/97. Referred to Committee on Government Reform & Land Use.

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 Reasonable notice of additions or amendments to comprehensive plans  
35 or development regulations shall be given to property owners and other  
36 affected and interested individuals. The county shall use either an  
37 existing reasonable notice provision already employed by the county or  
38 a new reasonable notice provision, including any of the following:

1 (a) Notifying owners of real property, as shown by the records of  
2 the county assessor, located within three hundred feet of the  
3 boundaries of the proposed designation;

4 (b) Publishing notice in a newspaper of general circulation in the  
5 county, city, or general area where the mineral resource deposits are  
6 located;

7 (c) Notifying public or private groups with known interest in the  
8 proposed mineral resource designation; or

9 (d) Placing notices in appropriate regional, neighborhood, or trade  
10 journals.

11 (5) For the purposes of this section:

12 (a) "Long-term commercial significance" includes the mineral  
13 composition of the land for long-term economically viable commercial  
14 production, in consideration with the mineral resource land's proximity  
15 to population areas, product markets, and the possibility of more  
16 intense uses of the land.

17 (b) "Allowed use" means the use or uses specified by local  
18 development regulations as appropriate within those areas designated  
19 through the advance or comprehensive planning process. Once  
20 designated, a proposed allowed use shall be reviewed for project  
21 specific impacts and may be conditioned to mitigate significant adverse  
22 impacts within the context of site plan approval, but such review shall  
23 not revisit the question of land use.

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