
Environment Committee

HB 1225

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 Summary of 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 (GMA).
- Narrows the scope of commercial mineral resource activities incompatible with residential development that must be noted in development permits, building permits, plats, and short plats in or near mineral resource lands designated under the GMA.
- Requires cities and counties to designate all property that has long-term significance for mineral extraction as mineral resource lands.

Hearing Date: 1/24/17

Staff: Jacob Lipson (786-7196).

Background:

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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-

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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 non-prioritized 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 forestlands 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.

Planning jurisdictions must adopt development regulations to assure the conservation of mineral resource lands and other designated resource lands of long-term commercial significance. Development regulations must assure that the use of land adjacent to mineral resource lands does not interfere with the continued, accustomed use of the mineral lands in accordance with best management practices of mineral extraction. Plats, short plats, building permits, and development permits for properties in or within five hundred feet of a mineral resource land in a planning jurisdiction must contain a notice regarding the commercial activities that may occur that are not compatible with residential development, and that an application may be made for a variety of mining-related activities including, mining, extraction, washing, crushing, stockpiling, transporting, recycling, and blasting of minerals.

GMA – 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 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 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 land and industry that planning jurisdictions must use to guide the adoption of their comprehensive goals and development regulations.

The notice included in planning jurisdictions' plats, short plats, building permits and development permits in or near mining resource lands must include information that applications may be made for the blasting of minerals; however, the notice is no longer required to mention other enumerated commercial mining-related activities that may be incompatible with residential development.

Planning jurisdictions are required to designate all property that has long-term significance for mineral extraction. This designation may be based on information submitted to a city or county, or new mineral resource information of the type of that cities must consider when updating mineral resource land policies, development regulations, or comprehensive plans. The requirement that all properties with long-term commercial significance for mineral extraction be designated as mineral resource land cannot be restricted or deferred by pace of growth, market analyses, or other mechanisms. The mineral resource land designation requirement is to ensure that lands are afforded protection from incompatible uses and to maintain the viability of future extraction. Mineral resource land designation is separate from site-specific permitting, and mineral resource land designation does not preclude a county and city from requiring property owners to obtain site-specific permits.

Appropriation: None.

Fiscal Note: Available.

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