

HOUSE BILL REPORT

HB 2942

As Reported by House Committee On:
Environment

Title: An act relating to planning for the availability of mineral resources.

Brief Description: Requiring planning for the availability of mineral resources.

Sponsors: Representatives Walsh, Taylor, Van Werven and Shea.

Brief History:

Committee Activity:

Environment: 1/30/18, 2/1/18 [DPS].

Brief Summary of Substitute 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.
- Requires cities and counties to designate as mineral resource lands all lands without residential development that have long-term significance for mineral extraction, subject to certain qualifications.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys, Dye, Fey, Kagi and McBride.

Staff: Robert Hatfield (786-7117).

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities.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

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planning duties for 28 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 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 nonprioritized goals set forth in statute. Among these 13 goals is the enhancement and maintenance of natural resource industries, which are enumerated to include productive timber, agricultural, and fisheries industries. Additionally, the conservation of productive forest and agricultural lands is encouraged, while incompatible uses are discouraged.

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 along with 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. In the rules adopted by the Department of Commerce (Commerce) to guide city and county designations of mineral resource lands, a number of factors are directed to be considered, including details regarding the location and quality of the mineral resource, proximity to market, short- and long-term land use patterns near the resource, and projected needs for the mineral relative to supply from currently designated mineral resource lands.

Planning jurisdictions must adopt development regulations to assure the conservation of mineral resource lands and other designated resource lands of long-term commercial significance.

Growth Management Act—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 the DNR, 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 Substitute Bill:

The conservation of mineral resource lands and the enhancement and maintenance of mineral resource industries are added to the enumerated categories of natural resource lands and industries that planning jurisdictions must use to guide the adoption of their comprehensive plans and development regulations.

Planning jurisdictions are required to designate all lands without residential development that have long-term significance for mineral resource extraction. Lands with long-term mineral resource extraction significance that were previously designated as agricultural lands or forestlands are not required to be de-designated, but instead must receive an additional overlapping designation by cities and counties as mineral resource lands. This designation must be based on the types of mineral resource information that cities and counties consider when updating mineral resource land policies, development regulations, or comprehensive plans, as well as other relevant information about mineral resource land locations known by the city or county.

The requirement that all properties with long-term commercial significance for mineral extraction be designated as mineral resource land must not be limited, made contingent upon, or deferred by population growth protections or mineral resource supply or demand forecasts, including 20-year supply threshold market analyses.

Neither the obligation nor the authority of cities and counties to require site-specific permits for mineral resource land development is limited or restricted by the provisions of the GMA.

Substitute Bill Compared to Original Bill:

The substitute bill adds a requirement to specify that a county or city may not add a mineral resource lands designation to lands that have already been designated as agricultural lands

unless it first determines that the mineral resource lands designation will not have a substantial adverse impact on the agricultural lands.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The bill rationalizes a loophole in the GMA structure. It allows for land that is not residential to be designated as mineral resource land, where mineral activity can take place. This is a matter of great significance to rural counties. The bill would help rural counties attract and grow business. It is critically important to get involved in these long-term planning efforts. There are a lot of mineral resources out there, but there are a lot of houses on top of those resources. Encouraging the set-aside of these lands as growth occurs allows the mineral resources in these lands to be available to build the infrastructure that allows growth to occur. Without sand and gravel, it is impossible to build things like roads and bridges and other elements of infrastructure. Mines are required to comply with certain reclamation requirements administered by the DNR.

(Opposed) There is a concern about the possibility of dual designations in the bill, and the prospect of agricultural lands being de-designated without going through the de-designation process. That could speed up the loss of agricultural land. There is also an issue with incompatible uses. It is important to look at ways of preserving mineral resource lands, but this bill goes too far.

Persons Testifying: (In support) Representative Walsh, prime sponsor; and Steve Gano, CalPortland.

(Opposed) Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: None.