

Attachment A

Mineral Lands GMHB Compliance

July 6, 2011

Olivia Story

Legislative and Challenge Background

- September 7, 2010
 - BoCC adopted Resolution No. 14401 and Ordinance No. 14402
 - Amending mineral lands designation criteria.
- A challenged on November 23, 2010:
 - Weyerhaeuser Company
 - Washington Aggregates and Concrete Association, Inc.
 - Glacier Northwest, Inc.
 - Granite Construction Company
 - Miles Sand and Gravel Company
 - Quality Rock Products, Inc.
 - Segale Properties LLC.

Challenge and Outcome

- 23 issues
- WWGMHB hearing April 13, 2011
- Final decision May 23, 2011
- County won all but 7
- Must be in compliance by November 21, 2011


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	Description of Issue	Reasoning	What we need to do
Issue 5/18	Prohibition against mining in designated forest lands.	1.Changes to a preclusion of dual designation in the Res. and Ord. were significant changes from the drafts presented prior to the hearing.	1. Hold a hearing on the Co-designation issue.
		2.The record fails to demonstrate that the minimum guidelines contained in the WAC were considered.	2.Consider minimum guidelines. If departing from them, provide justification and evidence for the deviation.

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	Description of Issue	Reasoning	What we need to do
Issue 9	Prohibition against mining in designated forest lands; particularly the prohibition against expansion of state's primary jetty rock quarries.	The record fails to demonstrate that the minimum guidelines contained in the WAC were considered.	Consider minimum guidelines. If departing from them, provide justification and evidence for the deviation.

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	Description of Issue	Reasoning	What we need to do
Issue 11/19	Making designation contingent upon issuance of a reclamation permit from DNR.	1. Due to the requirement for a property owner to obtain a reclamation permit from DNR prior to designation.	Hearing already held with the Planning Commission. 
		2. County conceded.	

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	Description of Issue	Reasoning	What we need to do
Issue 21	Excluding lands with or near critical areas from potential designation.	The record fails to demonstrate that the minimum guidelines contained in the WAC were considered.	Consider minimum guidelines. If departing from them, provide justification and evidence for the deviation.

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	Description of Issue	Reasoning	What we need to do
Issue 22	Exclusionary criteria based on the presence of critical areas without regard to BAS.	County did not dispute the allegation of a failure to apply BAS, asserting it was not amending its CAO.	Remove this section or pin-point the BAS used.

Steps to compliance

- Crosswalk GMA minimum guidelines (WAC 365-190-070)
 - If departing from them, provide justification for deviation.
- Hold a hearing
- Make a recommendation

Timeline

- July 20, 2011 – Planning Commission meeting to start compliance
- August 3, 2011 - Planning Commission meeting continued
- August 17, 2011 - Planning Commission meeting continued
- September 7, 2011 - Planning Commission public hearing to
- September 21, 2011 - Planning Commission follow up to public hearing and recommendation to BoCC
- September 2011 – BoCC work session
- September 2011 – BoCC work session
- October 2011 – BoCC public hearing
- October 2011 – BoCC follow up to public hearing
- November 2011 – BoCC adopts changes

Compliance is DUE by **November 21, 2011**



Questions or Comments?