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
## Mineral Lands - GMHB Compliance

<table>
<thead>
<tr>
<th>Issue 5/18</th>
<th>Description of Issue</th>
<th>Reasoning</th>
<th>What we need to do</th>
</tr>
</thead>
</table>
|            | 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.  
2. The record fails to demonstrate that the minimum guidelines contained in the WAC were considered. | 1. Hold a hearing on the Co-designation issue.  
2. Consider minimum guidelines. If departing from them, provide justification and evidence for the deviation. |
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<td>Issue 9: Prohibition against mining in designated forest lands; particularly the prohibition against expansion of state's primary jetty rock quarries.</td>
<td>The record fails to demonstrate that the minimum guidelines contained in the WAC were considered.</td>
<td>Consider minimum guidelines. If departing from them, provide justification and evidence for the deviation.</td>
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<td>Issue 11/19</td>
<td>1. Due to the requirement for a property owner to obtain a reclamation permit from DNR prior to designation. 2. County conceded.</td>
<td>Hearing already held with the Planning Commission.</td>
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</table>
## Description of Issue

| 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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<td><strong>Issue 22</strong></td>
<td>Exclusionary criteria based on the presence of critical areas without regard to BAS.</td>
<td>County did not dispute the allegation of a failure to apply BAS, asserting it was not amending its CAO.</td>
</tr>
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</table>
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?