

6.22 CONDITIONAL USES

All four phases of mining operations and activities shall be allowed only in those zone districts in which such mining activities are a conditional use, and shall be consistent with the general provisions of Section 8.0 of the ordinance and the rules and standards enumerated in this section (6.2) below.

- 1) Applicants for a conditional use permit under 6.22 above shall specify whether they are seeking a temporary or regular conditional use permit. A temporary conditional use permit shall be used only during the exploration and/or prospecting phases of a mining or drilling operation and shall not be effective for more than one (1) year from the date of issuance; unless renewed upon re-application for periods of one year.
- 2) A regular conditional use permit shall be required for the operation and reclamation phases of mineral extractions and mining. Exploration and/or prospecting phases may be included in the conditional use application. The regular conditional use permit shall be granted for a period not to exceed five (5) years, but may be renewed or revised upon re-application for periods of ~~up to three (3)~~ five (5) years.
- 3) Applicants seeking temporary conditional use permits for exploratory mining or drilling and/or prospecting phases may be required to supply the Zoning Committee with information on the operational and reclamation phases that relate to the exploratory and/or prospecting phases.
- 2) Fees for a temporary conditional use permit and a regular conditional use permit for mining shall be established by the Zoning Committee. The fee schedule shall be posted in the office of the Zoning Administrator.

6.23 RULES AND STANDARDS FOR NONMETALLIC MINING

The following rules and standards shall apply to any nonmetallic mineral extraction operations judged by the Zoning Administrator to meet the definitional tests. Non-metallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of non-metallic minerals, such as sod, agricultural crops, ornamental or garden plants, forest products, or nursery stock.

- 1) Hot mix plants, asphalt mixing plants and rock crushers shall conform to state, federal, or local pollution standards. The location and operation of asphalt mixing plants, rock crushers and hot mix plants shall be requested by conditional use application.
- 2) Setback requirements for asphalt mixing plants, hot mix plants and rock crushers. Asphalt mixing plants, hot mix plants and rock crushers operating in nonmetallic mines active as of August 16, 2001, shall be located not less than 1,000 feet from any residence, hotel, motel or resort.
- 3) Nonmetallic mineral extraction operations existing as of August 16, 2001. The

requirements of 2) above shall not apply in those situations where:

- a) The permit holder of the mine owns the residence.
- b) Residences not owned by the permit holder were constructed after August 16, 2001.
- c) Residences not owned by the permit holder were constructed with a land use permit issued after August 16, 2001.
- d) The property owner of the property on which the residence is located provides a written/notarized agreement to the Zoning Office stating that the property owner has waived the setback requirements.

4) Nonmetallic mineral extractions approved after August 16, 2001. The requirements of 2) above shall not apply in those situations where residences, hotels, motels and resorts are constructed with a land use permit issued after the approval of the operation of a new nonmetallic mine extraction operation by the Sawyer County Zoning Committee at a public hearing.

5) When extractions are discontinued, all machinery and equipment which exists incidental to the operation shall be removed. The excavation shall be drained, if necessary and if it is possible to do so by removing obstructions to natural drainage so that water will not collect therein; all banks or cuts not in rock shall be sloped at an angle not steeper than 1 ½ foot horizontal to one (1) foot vertical, except that banks or cuts located within 200 feet of a road right-of-way shall be sloped no steeper than 3:1, pit or quarry bottoms shall be left in a generally level condition, excess boulders, rocks, stones, or other unusable materials shall be buried; scrap machinery and similar debris shall be removed. These reclamation activities shall be completed within three (3) months of the date of discontinuance.

6) Nonconforming Nonmetallic Operations. Pre-existing nonmetallic mineral extractions are those operations involving the excavation, removal and/or processing of nonmetallic minerals which operations were in active use during any part of a five year period prior to the effective date of this section and which is not in conformity with the provisions of the ordinance. The continuation of such non-conforming nonmetallic operations shall be subject to Section 10.0 and; no expansion or enlargement of the existing operation, over the life of the operation, shall exceed 50% of its current area unless it is permanently changed to conform to the requirements of this ordinance.

6.24 RULES AND STANDARDS FOR NON-METALLIC MINING AND MINERAL FUEL MINING ACTIVITIES.

1) Applications for conditional use permits to conduct nonmetallic mineral extraction or processing activities and conditional use permits to conduct mineral fuel extractions or processing activities shall be accompanied by the following information:

- a) Ownership and management data: information on location of the proposed site of the operations, ownership of the land, leasehold, license and other property interests, and accurate information on the identity of all individuals, partnerships, associations or corporations which will be involved in control of the proposed operation. The purpose of this requirement is to allow the Zoning

Committee to determine accountability for all conditions that it decides to impose upon the activities and the information shall be sufficiently detailed and complete to accomplish this purpose.

b) Operations plan data: full and complete information on the precise nature of mineral extractions or processing activity that is proposed to be undertaken.

c) Reclamation plan data: full and complete information on the nature of reclamation which the applicant proposes to undertake.

2) Standards for decisions by the Zoning Committee in conditional use applications for mineral extraction or processing activities. In order to grant a conditional use permit the Zoning Committee must find:

a) The mineral extraction and/or processing is an allowable conditional use in the zone district, and an appropriate land use at the site in question, based upon consideration of such factors as:

(i) Existence of mineral deposits; and

(ii) Proximity of the site to transportation facilities and to market areas; and

(iii) Ability of the operation, as described in the proposed operations plan, to avoid harm to the public health, safety, and welfare and to the legitimate interests of nearby properties.

b) That an operations plan, which the Zoning Committee shall direct be imposed as a condition of approving the conditional use permit, will protect affected public and private rights against undue interference; and

c) That a reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in a condition which is reasonably safe, attractive, and if possible, conducive to productive new uses for the site.

d) The Zoning Committee shall attach such conditions to each approved application as are necessary to assure that the operation will satisfy the standards set forth above. These conditions may be conveyed as deed restrictions.

e) The conditional use permit shall be in effect for a period specified by the Zoning Committee not to exceed five (5) years and may be renewed **or revised** upon **re-application** for periods of ~~up to three (3)~~ **five (5)** years. All permitted operations shall be inspected at least once every year by the Zoning Committee or its agents and shall be inspected at the time a request for renewal is before the Zoning Committee to determine if all conditions of the operation are being complied with.

(i) If such inspections yield information showing that all conditions have been met, the applicant shall be entitled to renewal of the permit unless such renewal would be contrary to State Law.

(ii) Permits may be amended upon application to allow extensions or alterations in operations under new ownerships or managements.

f) A termination of mining or drilling activities on a site which is the subject of an approved conditional use permit for a period of one year or more shall distill the permit holder to a right of renewal at the end of the permit period, despite compliance of former operations will all conditions of the original permit, unless:

- (i) Such a discontinuance was specified as part of the original operations plan; or
 - (ii) The operator has submitted and had Zoning Committee approval of an amendment to the original permit placing the operation in inactive status with accompanying conditions as to interim or partial reclamation.
- g) The Zoning Committee shall require reasonable assurance that the conditions it imposes will be satisfied. Such assurance shall be achieved through some combination of:
- (i) Performance bonds or substitute guarantees in the form of pledged collateral;
 - (ii) Establishment of escrow accounts into which deposits shall be made to assure financial resources for investments in reclamation work;
 - (iii) Clear identification of the relationship between landowners, lessees, licenses, and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.

3) Non-metallic mining whose proposed active size is expected to exceed 25 acres in area OR 25 feet in depth OR are proposed as an "industrial sand" mine may be required, at the discretion of the Zoning and Conservation Department, to follow this section as well as the balance of 6.23 and 6.24. Included are:

- a) Must file a digital and hard copy of reclamation plan a minimum of 60 days before the first public hearing for the conditional use permit.
 - (i) Reclamation plans must follow the Large Pit Reclamation Plan guidelines as provided by the Department.
 - (ii) A review fee must accompany the reclamation plan.
 - (iii) Must include a "road use agreement" under WI State Statute 349.16 with all municipalities whose public roads are used for ingress, egress, or other functions of the mine.
- b) A stormwater management plan may be required at the discretion of the Zoning and Conservation Department based on the recommendations of the reclamation plan reviewer.
- c) Wetland mitigation may be required through the Wisconsin Department of Natural Resources.

4) Impacts of particular concern to the Zoning Committee in evaluating plans and proposals, and in enumerating conditions, prior to the granting of conditional use permits for mineral extractions activities. The Zoning Committee shall use its conditional use powers in such a way as to minimize, on-location and off-site, the potential for mineral extractions activities to:

- a) Exploration Activities
 - Affect springs and water wells
 - Remove vegetation
 - Create litter
 - Encourage off-road vehicle use
 - Compact and disturb soils

b) Drilling Operations

- Remove vegetation
- Create noise
- Destroy archaeological sites
- Displace wildlife
- Potential mud pit problems
- Potential erosion problems
- Potential off-road vehicle use on access roads
- Create aesthetics problems
- Affect surface or groundwater quality

c) Production Activities

- Remove vegetation
- Create noise and odor problems
- Displace wildlife
- Create aesthetics problem
- Destroy archaeological sites
- Potential safety problems
- Affect surface or groundwater quality

d) Transportation and Pipeline Facilities

- Remove vegetation from right-of-way
- Cause silt and sediment in stream
- Cause bank erosion
- Mix topsoil with substrate
- Change wildlife habitat
- Displace wildlife
- Create aesthetics problems
- Potential safety problems
- Change drainage patterns
- Encourage off-road vehicle use and trespass problems



SAWYER COUNTY ZONING & CONSERVATION DEPARTMENT

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January 9, 2020

Dear Sawyer County Zoning Committee,

In regards to the amendment of Section 6.22 & 6.23. It is my option that we as a county change the Conditional Use Permit (CUP) term length to five years across the board. This will be a change from the current ordinance in granting the first CUP for five years and upon application for renewal that permit is subsequently valid for an additional three years.

The proposed ordinance would create a scenario where all non-metallic mines are renewing on a 5 year time line. However, these sites will still be visited and monitored for compliance on an annual basis.

In my opinion this would help out both are larger scale and small scale operators throughout the county. Sometimes these operations aren't used much in a three year time period for various reasons.

Please see following documents showing what other adjacent counties ordinances state and the proposed ordinance change

Thank you,

Pat Brown

Assistant Zoning and Conservation Administrator

[Faint handwritten notes and signatures at the bottom of the page]

Summary of County Conditional Use Permit Renewals and Fees
12/5/2019

County	Renewal Years	CUP Renewal Fee	Comments
Ashland	None		Permit years are determined by the committee; most of ours do not require a renewal; others are 5 years and some are 10 years.
Barron	None	NA	Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint
Bayfield	Case by Case	\$350 + \$30 recording fee	Permit years are determined by the committee; most of ours do not require a renewal; others are 5 years and some are 10 years.
Buffalo	None	NA	Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint
Burnett	None	NA	Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint
Chippewa	4 years	\$150 (reduced fee)	If no changes, the County send a letter to neighbors within 660'. If a neighbor requests a public hearing, then we pay another \$350 for the public hearing fee otherwise the permit is automatically renewed. If changes are proposed then we go through a full public hearing.
Douglas	5 years then 3/5	\$295	Initial permit is 5 years then a 3 and 5 year rotation
Dunn	None	NA	Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint
Pierce	2 years	\$200 + \$20/open acre	
Polk	None	NA	Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint
Price	None	NA	Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint
Rusk	None	NA	Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint
Sawyer	3 years	\$ 175 158	
St. Croix	5 years	\$1250-\$3000	Fee depends on the size of the mine
Washburn	None	NA	Need to renew or do a new permit if making changes to existing permit or plans; OR if there is a complaint

with proposed changes fee schedule would be updated for Jan 1, 2021 to increase CUP renewals to \$300.

\$175/3yr = 58.33 per year (current)

* \$300/5yr = \$60.00 per year of renewal (proposed)