

AMENDMENTS TO BAYFIELD COUNTY ZONING ORDINANCE

(Deleted text lined through; new text underlined)

1. Section 13-1-4(a)(definitions) is amended by repealing paragraph (25) thereof (defining "Gravel Pit") and by creating paragraphs (4t), (37m), and (45m) to read as follows:

(4t) **Building.** A structure for support, shelter or enclosure of persons or property.

(37m) **Metallic Mine.** A process in which metallic minerals are extracted, milled, and concentrated to produce input material for smelters/processors, which produce raw metals for the international market. Metallic minerals are mined for common metals such as copper, gold, iron, lead, silver, and zinc.

(45m) **Nonmetallic Mine.** (a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

(b) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

2. Section 13-1-25 is amended as follows (deleted text lined through; new text underlined):

Sec. 13-1-25 ~~Quarries and Mines.~~ Metallic and Nonmetallic Mines.

- (a) **General Requirements.** The purpose of this Section is to insure that all metallic and nonmetallic mining operations, including the removal of sand and gravel, are conducted at ~~h~~ locations and in such a manner so as to be

compatible with the uses of neighboring lands and to minimize environmental degradation.

- (b) **Permit.** A conditional use permit shall be required before the commencement of any excavation or exploratory drilling, and an additional conditional use permit shall be required prior to any active mining or drilling operation in Bayfield County. Expressly allowed without a conditional use permit shall be nonmetallic mining sites that affect less than one (1) acre of total area over the life of the mine and preliminary exploration of potential sand and gravel sites when exploratory excavation is minimal, provided that there shall be immediate site restoration following such exploration. Applications for the post-exploration phase of mining of mineral deposits other than aggregates such as stone, sand and gravel, shall be accompanied with an Environmental Impact Analysis in accordance with Section 13-1-42.
- (c) **Basis of Approval.** In passing upon a conditional use permit, the Zoning Committee shall consider the four (4) stages of a mining operation: exploration, prospecting, ongoing commercial operation (extraction and processing), and reclamation, their effects upon the factors listed under Section 13-1-41, and whether or not they are consistent with the purpose of this Section, In order to facilitate such considerations, the following information *shall* be required by the Zoning Committee:
- (1) A legal description of the proposed site.
 - (2) A detailed description of the topography and vegetative cover of the area to be mined.
 - (3) The proposed setbacks that are to be observed and a description of the access to the area.
 - (4) A description of all phases of the contemplated operation, including types of equipment that may be used, the extent of vegetation removal, proposed dispositions of spoils, planned precautions against various types of pollution and plans for ongoing reclamation and erosion prevention where the operation is to include sand and gravel washing, the estimated daily quantity of water to be used, its source, and its disposition.
 - (5) ~~Require a~~ A site restoration plan, which shall include detailed grading and re-vegetation plans, and a written statement indicating the timetable for such restoration; in accordance with ABDI Land Conservation Department recommended approval and Title 16 Bayfield County Nonmetallic Mining Reclamation Ordinance.
- (d) **Conditions of Approval.**
- (1) The Zoning Committee shall require as ~~may attach~~ conditions to a

~~of the permit; pursuant to Section 13-1-41. and may attach conditions which require:~~

- ~~(1) That suitable landscaping, screening, and fencing be required.~~
 - ~~a. A boundary survey or accurate identification of exterior boundaries.~~
 - ~~(2) b. That appropriate setbacks and other dimensional requirements as set forth by the Zoning Committee be met.~~
 - ~~(3) c. That appropriate measures be taken to avoid nuisance affecting surrounding uses, pollution of any sort, and erosion.~~
 - ~~(4) That a restoration plan be carried out according to the specifications set forth by the Zoning Committee.~~
 - ~~(5) That a surety bond be posted to assure compliance with the provisions of the conditional use permit and to assure proper restoration or cleanup.~~
 - ~~(6) That the applicant provide the Zoning Committee with all test methods and results as well as company interpretations of the test data including that obtained by drilling, coring and excavating~~
 - ~~(7) d. That the applicant meet all existing and subsequent state and federal government regulations as well as such County requirements specified by the Zoning Committee as may be reasonably necessary to accomplish the purpose of this Section.~~
 - ~~e. That no more than a forty (40) acre parcel shall be permitted at any one time.~~
- (2) The Zoning Committee may require as conditions of the permit, as well as other conditions it determines to be necessary and appropriate pursuant to Section 13-1-41:
- a. That suitable landscaping, screening, and fencing be required.
 - b. That a surety bond be posted to assure compliance with the provisions of the conditional use permit and to assure proper restoration or cleanup.
 - c. That the applicant provide the Zoning Committee with all test methods and results as well as company interpretations of the test data including that obtained by drilling, coring and excavating.
 - d. Designated hours and days of operation.

e. An expiration date.

- (e) **Duration of Conditional Grant.** The initial grant to carry on a mining operation shall be effective for a period of time to be specified by the Zoning Committee. To extend the operation beyond the initial time period, a new conditional grant must be applied for and all new conditions must be met.
- (f) **Existing Quarry Operations.** The owners of quarry, mining, and/or drilling sites shall submit to the Bayfield County Zoning Committee the names of the quarry, mining, and/or drilling owners and operators, including all parties to farm out contracts.
- (g) **Prohibited Areas.** ~~Quarries, Metallic~~ mining, and/or drilling for oil or gas shall not be allowed in the following areas:
 - (1) Under lakes, rivers, creeks, or streams.
 - (2) Within one (1) mile of Lake Superior or adjacent wetlands.
 - (3) Within one (1) mile of any lake, river, creek, or stream.

NOTE: ~~Sand, gravel, and soil excavation sites~~ Nonmetallic mine sites may be permitted within one (1) mile of Lake Superior and adjacent wetlands and within one (1) mile of any lake, river, creek or stream, but shall be excluded from under lakes, rivers, creeks, or streams.

3. Section 13-1-62(a) is amended by deleting the words “a such” preceding the phrase “a special use permit” in the second sentence thereof, and the classification table in said subsection is amended by deleting the rows for “Dump, Solid Waste Disposal [Landfill]”, “Gravel Pit, Crushing, Screening & Washing Plant,” and “Mining, Quarry, Equipment, Storage, Rock Crushing, etc.” and inserting rows for “Landfill, Solid Waste Disposal,” “Metallic Mining, Quarry, Equipment, Storage, etc.,” and “Non-Metallic Mining” as shown below, after the rows for “Laundry, Dry Cleaning, Pick Up Station”, “Machine Shop, Welding, Metal Fabrication & Processing, Welding Shop,” and “Museum, Art, Cultural, Historical,” respectively:

PERMISSIBLE USES	R-4 R-3 R-1	R-2	R-RB	C	I	A-1	A-2	F-1	F-2	W
Landfill, Solid Waste Disposal					C	C		C	C	
Metallic Mining, Quarry, Equipment, Storage, etc.					C	C	C	C	C	
Nonmetallic Mining					C	C		C	C	

4. Subsections (b) and (c) of Section 13-1-42 (environmental impact analysis) are amended as follows:
 - (b) **Criteria for ~~R~~ Uses requiring an E.I.A.** An Impact Analysis shall be required for:
 - (1) Any subdivision consisting of twenty-five (25) lots or more.
 - (2) Any resort, condominium, planned unit development, motel, hotel or multi-unit dwelling.
 - (3) Any mobile home park, campground or camping resort.
 - (4) Any junk or salvage yard.
 - (5) Post-exploration phase of mining of mineral deposits as required by Section 13-1-25(b).
 - (6) Metallic Mining.
 - (7) Nonmetallic mining in a shoreland zone after June 1st, 2007.
 - (8) Any solid waste disposal or landfill site.
 - (c) **Evaluation Procedures.**
 - ~~(1) The applicant, the Zoning Administrator and the Zoning Committee shall hold an informal meeting to review a general description of the project.~~
 - (1) ~~(2)~~ In order for the Committee to consider the permit, an E.I.A. must be submitted along with the application for conditional use.
 - (2) ~~(3)~~ Before passing upon the application for a conditional use permit, the Zoning Committee shall hold a public hearing. Notice of such a public hearing, specifying the time, place, and matters to come before the Committee shall be given in the manner specified in Section 13-1-41(e).
 - (3) ~~(4)~~ The Zoning Department and the Zoning Committee may request review of an E.I.A. by the Wisconsin Department of Natural Resources; the Ashland, Bayfield, Douglas and Iron County Land Conservation Department; or a private consultant.
 - (4) ~~(5)~~ The Zoning Committee may, in writing, waive the requirement that the applicant provide an E.I.A. where the proposed development is located within the boundary of an unincorporated village established pursuant to Section 13-1-62(n) or in those unique instances where this tool is deemed unnecessary to aid in the

decision making process.

5. Paragraphs (1) and (2) of Section 13-1-21(b) (land use permits) are amended as follows:

(b) Land Use Permits.

(1) **Requirement.** A land use permit shall be required for any new residence, any building or structure erected, relocated or structurally altered (excepting alterations which do not ~~change~~ increase the size or change the shape of a structure); any change in the use of the land; or where any use of the land is altered. A land use permit shall be obtained *prior* to the initiation of construction or a change in land use. No permit shall be issued if the applicant is in violation of the Bayfield County Zoning Ordinance, Flood Plain Ordinance, Shoreland-Wetlands Zoning Ordinance, or Subdivision Control Ordinance.

(2) **Improvements to Nonconforming Uses Structures.** Exterior improvements and additions to nonconforming structures which change the size or shape thereof shall require a land use permit. Replacement of additions to, or decks attached to, non-conforming structures shall also require a land use permit.

6. Subparagraph (p) of Section 13-1-21(e)(1)(fee schedule) is amended as follows:

p. Private Sewage System (those requiring state approval).....	\$ 300.00
<u>Agent Status (Holding Tanks)</u>	<u>\$ 60.00</u>

7. Subparagraph (d) of Section 13-1-40(c)(3) is amended as follows:

d. The structure may not be substantially reconstructed by replacement of exterior walls constituting more than twenty-five percent (25%) of the perimeter of the initial structure over the life of the structure. The owner shall provide documentation of the

perimeter of the structure at the time this provision took effect and any reconstruction shall be documented by recorded affidavit.

8. Subparagraph (c) of Section 13-1-41A(b)(1)(Class A Special Use Application) shall be amended as follows:
 - c. If both of the conditions in (1)b have not been met within thirty (30) days of the filing of the application, the application shall be considered pursuant to the procedure for consideration of Class B Special Use Permit Applications set forth in paragraphs (2) through (5) of this subsection, and a Class B permit fee shall be required, provided that the applicant's payment of the Class A permit fee shall be credited towards the Class B permit fee.

9. Section 13-1-40(c)(5)c.7 is amended as follows:
 7. Compliance with Sec. 13-1-32(g) ~~any shoreland exterior lighting requirements that may be adopted~~ (1/2 point).

10. Section 13-1-21(e)(1)b.3 and d.3 (imposing additional fees for permits requiring mitigation) are hereby repealed.