

Article B: General Provisions

Sec. 13-1-20 General Zoning Requirements.

- (a) **Jurisdiction.** The jurisdiction of this Chapter includes all the shorelands in the unincorporated areas of Bayfield County and in all the areas of the unincorporated civil towns of Bayfield County that have approved this Chapter. As required by s.59.692, Wis Stats., and Ch NR 115, for any area within the Shoreland, the jurisdiction of this Zoning Code includes all areas of Bayfield County. (A)10/31/2017)
- (b) **Shorelands.** The shorelands shall include all lands in the unincorporated areas of Bayfield County, which are:
- (1) Within one thousand (1,000) feet landward of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Bayfield County shall be presumed to be navigable if they are listed in Wisconsin Department of Natural Resources' publication *Surface Water Resources of Bayfield County* or are shown on the United States Geological Survey Quadrangle Maps.
 - (2) Within three hundred (300) feet landward of the ordinary high-water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Bayfield County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on the United States Geological Survey Quadrangle Maps. Flood boundary maps, flood insurance rate maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
- (c) **Maps.** The maps designated below are hereby adopted and made part of this Chapter. They are on file at the Bayfield County Planning and Zoning Agency. (A)7/30/2013); (A)10/31/2017); (A)2/27/2018)
- (1) United States Geological Survey Quadrangle Maps for Bayfield County. (©)10/31/2017); (D)10/31/17); (A)2/27/2018)
 - (2) Wisconsin Wetland Inventory Maps as reflected on the State of Wisconsin DNR Surface Water Data Viewer. (A)10/31/17); (A)2/27/2018)
 - (3) U.S. Department of Housing and Urban Development's Flood Hazard Boundary Map for Bayfield County dated September 1, 1988.
 - (4) Official Bayfield County Zoning District Maps.

The Bayfield County Zoning District Map pertaining to Section 18-43-7 in the Town of Cable, incorporated as part of the Bayfield County Zoning Ordinance by Section 13-1-20(c) thereof, is amended to re-zone areas located within the service area of the Cable Sanitary District, located in

said section, as shown on the map of said section showing proposed zoning district changes for the Cable Sanitary District prepared by the Bayfield County Land Records Department and filed with the Bayfield County Planning and Zoning on April 20, 2005.

- (d) **Compliance.** Every building or other structure hereafter erected or relocated shall be in compliance with the provisions of this Chapter and the applicable provisions of the Bayfield County Sanitary and Subdivision regulations.
- (e) **Approval.** Regulations within the shoreland areas, as hereinafter defined, shall not require the approval or be subject to disapproval of any town or town board.
- (f) **Facilities.** The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning requirement if the Department of Natural Resources has issued all required permits or approvals authorizing the construction or maintenance under Ch. 30, 31, 281 or 283, Wis. Stats. A “facility” means any property or equipment of a public utility, as defined in s. 196.01(5), Wis. Stats, or a cooperative association organized under Ch. 185, Wis. Stats for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power. (A)7/30/2013); (D)10/31/17); (©)10/31/2017)
- (g) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Ch. NR 115, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Ch. NR 115 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

Sec. 13-1-21 General Land Use Requirements.

- (a) **Land Use Classes.** For the purposes of this Chapter, there are five classes of land uses, namely, land uses that are prohibited, permitted by right, permitted as a Class A special use, permitted as a Class B special use, or permitted as a conditional use. (8/27/2002)
- (1) **Prohibited Land Uses.** Prohibited land uses (designated by a blank rectangle in Sec. 13-1-62) are not allowed in the indicated zoning district except as legal nonconforming uses (See Sec. 13-1-40). (8/27/2002)
 - (2) **Land Uses Permitted by Right.** Land uses permitted by right (designated by a “P” in Sec. 13-1-62) are allowed in indicated zoning districts (upon the issuance of a land use permit), provided these uses comply with all provisions of this Chapter and any and all other applicable county, state and federal regulations. (8/27/2002)
 - (3) **Land Uses Permitted as Special Uses.** Land uses permitted by a special use permit (either Class A or Class B, designated as “S-A” or “S-B”, respectively, in Sec. 13-1-62) are allowed only after adjoining landowners have been notified, a town board recommendation has been sought, and the Planning and Zoning Agency and/or Planning and Zoning Committee has determined whether any conditions need be imposed to allow the use. These categories of permit recognize that land uses vary in their degree of impact on surrounding areas. The potential impact of a special use is generally considered to be less than that of a conditional use but enough to require at least some review in determining whether a permit should be granted. Such review is governed by the provisions of Sec. 13-1-41A. (8/27/2002); (A)7/30/2013)
 - (4) **Land Uses Permitted as a Conditional Use.** Land uses permitted by conditional use permit (designated as “C” in Sec. 13-1-62) are allowed only after review, consideration, and approval by the County Planning and Zoning Committee. Conditional use review is governed by the provisions of Sec. 13-1-41. (8/27/2002); (A)7/30/2013)
- (b) **Land Use Permits.**
- (1) **Requirement.** A land use permit shall be required for any new residence, any building or structure erected, relocated, rebuilt or structurally altered (excepting alterations which do not 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, Sanitary and Private Sewage Code, Flood Plain Ordinance, Shoreland-Wetland Zoning Ordinance, or Subdivision Control Ordinance. (6/1/1976); (A)1/18/2005; (A)5/31/2005; (A)3/29/2007; (A)1/29/2013; (A)10/29/2013)

- (2) ***Ingress and Egress:*** Landings with steps shall not require a land use permit provided the landing area does not exceed 40 sq. ft., however; if landing is enclosed or covered a land use permit is required. (©)12/15/2009)
- (3) ***Improvements to Nonconforming Structures.*** Exterior improvements and additions to nonconforming structures which change the size or shape thereof shall require a land use permit. Replacement of decks, additions to decks, or new decks attached to non-conforming structures shall also require a land use permit. (©)1/25/2000; (A)1/18/2005; (A)3/29/2007; (A)10/29/2013; (A)2/27/2018)
- (4) ***Setback Compliance; Non-Habitable Structure Compliance.*** All structures shall meet prescribed setback standards for the zoning district in which they are located. All structures in floodplain areas shall require a land use permit. A residential land use permit shall not be required for a non-habitable structure of less than two hundred (200) square feet in area, or for a private communication device, if not in a floodplain. A temporary structure of more than two hundred (200) square feet shall require a temporary permit. (D)5/29/2001; (A)1/27/2009; (A)5/25/2010)
- (5) ***Validity.*** A land use permit shall expire twelve (12) months from its date of issuance if the authorized building activity, land alteration or use has not begun within such time. (©)6/1/1976; (A)9/26/2000; (A)2/27/2018)
- An incomplete application shall expire four (4) months after written notice from the Zoning Agency to the applicant that the application is incomplete, if it is not completed within such time period. (©)1/29/2013; (A)2/27/2018)
- An incomplete or unfinished application shall expire twelve (12) months from the date received by the Planning and Zoning Agency, if not completed within such time period unless otherwise already expired. (©)3/27/2012; (A)1/29/2013; (A)2/27/2018)
- (6) ***Concurrent Jurisdiction Exemption.*** A permit under this Chapter may not be required where another regulatory agency has concurrent jurisdiction and the substantive concerns of this Chapter are addressed and resolved by issuance of a permit under the authority of that regulatory agency. (A)5/25/2010; (A)8/31/2010)
- (7) ***Shoreland Permits.*** Within the Shoreland, a permit shall be required for any and all structures and none of the above exceptions shall apply. (©)10/31/2017)
- (c) ***Application for Permit.*** All applications for a land use permit shall be submitted to the Planning and Zoning Agency, which shall issue a permit if the application conforms with this Chapter. (©)6/1/1976; (A)9/26/2000; (A)5/31/2005; (A)3/2/2006; (A)3/27/2012)
- (1) ***Use of Bayfield County Land Use Plan and Comprehensive Plan.*** The Bayfield County Land Use Plan and Comprehensive Plan will be used as a guide, tool in making informed Zoning decisions by Department

personnel. (©)3/27/2012)

(2) **Decision Making Considerations.** Review and base decision on the following: (©)3/27/2012)

- a. Zoning Ordinance and all other applicable laws. (©)3/27/2012)
- b. Consistency with Town Comprehensive Plan (more specific detail) (©)3/27/2012)
- c. Consideration of Town Board Recommendation if applicable or if any. (©)3/27/2012)
- d. Consistency with County Comprehensive and Land Use Plan (general overview). (©)3/27/2012)

(3) If a determination cannot be made by the Planning and Zoning Agency to either issue or deny a permit, the Department shall state the facts upon which it bases the conclusions of unsuitability in writing. The applicant may appeal the Planning and Zoning Agency's and/or the Planning and Zoning Committee's decision in denying the application as provided under Sections 13-1-102 and 13-1-102A.

(d) **Temporary Permits.** The Planning and Zoning Agency and/or the Planning and Zoning Committee may issue temporary permits and attach conditions or requirements to the permit. Such permits shall not exceed one year in duration, except that for good cause shown, such a permit may be extended one time only for up to an additional six (6) months. (©)6/1/1976); (A)9/30/2004); (A)7/30/2013)

(e) **Fees.** (©)6/1/1976); (D)12/8/1998);(D)9/26/2000);(D)3/13/2002;(D)1/18/2005;(D)8/28/2007)

(1) **Fee Schedule.** Unless otherwise noted, all fees are referenced to estimated Fair Market Value (FMV) of the structure or land use and shall be interpreted to mean the best reasonable estimate of the market value of the structure or land use (including labor and material costs) when construction is completed or the use becomes fully operational. Market value shall not be affected by virtue of any reduced or donated actual costs for labor or materials. Municipalities are subject to all applicable fees. When a permit has been denied any portion of a fee (other than an application fee) paid over Fifty Dollars (\$50.00) shall be returned. Required fees are as follows: (A)3/13/2002); (A)1/18/2005)

- a. Residences/Dwellings/Mobile Homes/Mobile Homes in Mobile Home Parks (new, converted, relocated, replaced); first (residential) structure on property; fee based on fair market value of structure: (A) 3/13/2002); (A)9/26/2006)

1.	0—less than \$50,000	\$125.00
2.	\$50,000—less than \$100,000.....	\$250.00
3.	\$100,000+	\$3.00/\$1,000.00

 (A)12/8/1998); (A)1/18/2005)

b.	Additions/Alterations to Residences—Dwellings		
	1. 0—less than \$25,000	\$	75.00
	2. \$25,000+	\$	3.00/1,000.00
	<small>(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)1/18/2005); (A)3/28/2006); (A)9/26/2006); (D)3/29/2007)</small>		
c.	Residential Accessory Structures		
	1. 0—less than \$25,000	\$	75.00
	2. \$25,000	\$	3.00/1,000.00
	<small>(A)12/8/1998); (A)3/13/2002); (A)3/13/2002); (A)1/18/2005); (A)1/29/2013)</small>		
d.	Additions/Alterations to Residential Accessory Structures		
	1. 0—less than \$25,000	\$	75.00
	2. \$25,000+	\$	3.00/1,000.00
	<small>(A)12/8/1998); (A)1/18/2005); (A)3/28/2006); (A)9/26/2006); (D)3/29/2007); (A)1/29/2013)</small>		
e.	Commercial/Industrial/Municipal/ Institutional--Principal Structures.....	* \$	250.00
	<small>(©)6/1/1976); (A)12/8/1998); (A)1/18/2005); (A)1/29/2013)</small>		
f.	Commercial/Industrial/Municipal/ Institutional--Additions/Alterations	* \$	125.00
	<small>(©)6/1/1976); (A)12/8/1998); (A)1/18/2005)</small>		
g.	Commercial/Industrial/Municipal/ Institutional--Accessory Structures.....	* \$	125.00
	<small>(A)12/8/1998); (A)1/18/2005); (A)1/29/2013)</small>		
	<p>[*The minimum commercial / industrial / municipal/institutional fee for a principal structures shall be \$250. For any principal structures exceeding \$100,000 in estimated Fair Market Value, the fee shall be \$2.50/\$1,000 of estimated Fair Market Value. The minimum commercial / industrial / municipal / institutional additions / alterations, accessory structures shall be \$125.00. For any commercial / industrial / municipal / institutional addition / alterations, accessory structures, exceeding \$50,000 in estimated Fair Market Value, the fee shall be \$2.50/1,000 of estimated Fair Market value.] <small>(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)4/15/2003); (A)1/18/2005); (A)5/31/2005); (A)8/28/2007); (A)1/29/2013)</small></p>		
h.	Temporary Permits.....	\$	50.00
	<small>(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)1/18/2005)</small>		
i.	On-Site Consultation (request for on-site information not involving pending permit application)	\$	250.00
	<small>(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)1/18/2005); (A)3/28/2006)</small>		
j.	Gazebo(s)	\$	215.00
	<small>(©)3/13/2002); (A)1/18/2005); (A)9/26/2006)</small>		

k.	Certified Soil Tests - Review & Filing Fee	\$	50.00
	<small>(A)12/8/1998); (A)1/18/2005; (A)1/27/2009)</small>		
l.	Private Sewage System (Septic Tanks)	\$	400.00
	<small>(A)12/8/1998); (A)3/13/2002); (A)1/18/2005; (A)1/27/2009)</small>		
m.	Private Sewage System (Holding Tanks).....	\$	400.00
	<small>(A)3/13/2002); (A)1/18/2005) (A)3/13/2002); (A)1/18/2005)</small>		
n.	Mounds or Systems requiring Pre-Treatment	\$	500.00
	<small>(©)1/27/2009)</small>		
o.	Private Sewage System Reconnection And Private Interceptor	\$	50.00
	<small>(A)12/8/1998)</small>		
p.	Sanitary Permit Transfer of Land Owner.....	\$	25.00
	<small>(A)12/8/1998); (A)3/13/2002)</small>		
q.	Sanitary and Land Use Revisions	\$	25.00
	<small>(A)12/8/1998)(A)3/13/2002)</small>		
r.	Return Inspection	\$	50.00
	<small>(A)12/8/1998); (A)1/18/2005); (©)9/26/2006); (D)1/27/2009)</small>		
s.	County Sanitary Permit* (not including required soil verification for a pit privy (A)12/8/1998); (A)1/18/2005); ((A)7/26/2011)		
	1	\$	150.00
	2-5.....	\$	300.00
	6-9.....	\$	450.00
	10+	\$	600.00
	<small>(©)7/26/2011)</small>		
	Portable Restroom	\$	50.00
	<small>(©)12/15/12009); ((A)7/26/2011)</small>		
	(* Cost applies to the initial or first phase of development. Subsequent phases must start over with fee schedule.) (©)7/26/2011)		
t.	Subdivision – Each Lot Created	\$	Cost as per Additional Lot Division Review
	<small>(©)6/1/1976); (A)12/8/1998); (A)3/28/2006; (A)1/27/2009)</small>		
u.	Sign Permit (per sign) *(except R-1, R-2, R-3 & R-4 districts, where the Class A special use fee applies).....	\$	50.00
	<small>(A)12/8/1998); (A)3/13/2002); (A)1/18/2005); (D)8/28/2007)</small>		
v.	Land Use Regulations Booklet.....	\$	Cost+postage
	<small>(A)12/8/1998)</small>		
w.	Conditional Use Applications (plus applicable land use fee)	\$	350.00
	<small>(©)6/1/1976); (A)12/8/1998); (A)1/18/2005); (A)9/26/2006); (A)8/28/2007)</small>		

- x. Special Use Applications (TBA for Ag-1 and F-1 Districts) (plus applicable land use fee)
 - Class A Special Use \$ 175.00
 - Class B Special Use \$ 250.00

(A)12/8/1998); (A)1/18/2005); (A)9/26/2006); (A)8/28/2007)

- y. Zoning Petition District Change..... (see below)

(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)1/18/2005); (©)1/29/2008)

Number of Separately Owned Lots and Commonly Owned but Not Contiguous Lots included in Proposed Change

 - 1 \$ 225.00
 - 2 – 5 \$ 325.00
 - 6 – 10 \$ 500.00
 - 11 – 20 \$ 1,050.00
 - 21 – 30 \$ 1,500.00
 - 31 – 45 \$ 2,250.00
 - 46 – 60 \$ 3,050.00
 - More than 60 \$ 5,050.00

- z. Zoning Petition Text Change..... \$ 300.00

(A)12/8/1998); (A)1/18/2005)

- aa. Board of Adjustment Hearing
 - Variance or Appeal \$ 800.00
 - Refiling & Reopening* \$ 800.00
 - Reopening & Reconsideration \$ 250.00

* Transcript and any copy fees shall be paid by individual(s) whom make the request
 (©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)9/30/2004); (A)1/18/2005); (A)3/28/2006); (A)1/27/2009); (A)5/25/2010); (A)7/30/2013); (D)5/28/2019)

- bb. Special Planning and Zoning Committee or Board of Adjustment Meeting
 (fee is in addition to any other applicable fee)..... \$ 325.00
 (©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)9/30/2004); (A)7/30/2013)

- cc. Miscellaneous
 - 1. Change of use \$Cost of Permit
 (i.e. from residence to accessory building; accy building to residence, etc)

 - 2. Failure to Obtain Permit Prior to Construction Double Fee
 Possible Citation

(Doubling of fee may be waived by the Planning and Zoning Director).
 (©)5/31/2005); (D)10/26/2010); (A)5/27/2014)

dd.	Permit Renewal		
	1. Sanitary Permit.....	\$	Cost of Permit
	2. All other Permits.....		Non-renewable
	(A)3/13/2002)		
ee.	Photocopies/Faxes (A)5/28/2002)		
	1. Per Page	\$.25 + tax
	2. Faxes-1 st Page	\$	1.00 + tax
	Each Additional Page	\$.50 + tax
ff.	Refunds		
	1. Fee(s) paid minus \$50.00 service fee.		
	2. No refunds after permit(s) have been issued.		
	3. No refunds after one (1) year duration on unissued permits.		
	4. No refunds on public hearing applications after application deadline date.		
	5. No refunds on special request applications after agenda deadline date.		
	6. No refunds on after-the-fact permits.		
	(A)1/18/2005)		
gg.	Permit Expiration		
	1. State Sanitary Permits expire two (2) years from the issuance date and may be renewed per State policy.		
	2. All other permits expire one (1) year from their issuance date.		
	(A)1/18/2005)		
hh.	Recreational Vehicle (RV) Placement Permit	\$	75.00
	(©)4/20/2004); (A)1/18/2005)		
ii.	Review of Condominium Plat	\$	100.00
		Per Unit
	(©)9/30/2004); (A)9/26/2006)		
jj.	Stairway to navigable waters	\$	100.00
	(©)3/13/2002); (A)1/18/2005); (A)7/29/2008)		
kk.	Shoreland (non-conforming, impervious surface, etc.).....	\$	100.00
	(©)8/28/2012)		
ll.	Boathouse	\$	300.00
	(©)1/26/2016)		
mm.	Refiling or Rehearing before Planning and Zoning Committee.....	\$	(see below)
	(©)1/26/2016)		

The fee shall be equal to the fee for the underlying application, as set forth in Section 13-1-21(e)(1)a-II (©)1/26/2016)

- (2) **Fair Market Value, Fee Basis.** When an applicant's estimated Fair Market (FMV) is used in accepting a fee for issuance of a land use permit, and that FMV deviates by ten percent (10%) or more from the actual fair market value as determined from the tax rolls of the Town Assessor the year after project completion, and that deviation would have resulted in a different required fee, the applicant may request a refund for any overpayment and the Administrator may request an additional fee for underpayment. Where any such deviation exceeds one hundred percent (100%) of the applicant's estimated FMV and resulted in underpayment of fees, there shall be a presumption that the applicant either did not exercise reasonable diligence or misrepresented the estimated FMV to obtain a lower fee. In such cases, the Administrator may require that triple the additional fee be paid. Where any such additional fee is not paid thirty (30) days or more after a written request was sent, nor an appeal filed, the Administrator may issue a citation. If such additional fee is still not paid after another thirty (30) day period, the permit becomes void and other enforcement actions may be taken. (A)12/8/1998)
- (3) **Payment of Fees.** All required fees shall be paid in full. No partial payment, payment schedules, loans, or debts shall be accepted. If fees are paid by check, and the check is returned for insufficient funds, any issued permit reliant upon the unpaid fees shall be voidable until the fees have in fact been paid. Where the Administrator informs an applicant and ostensible permit holder of such unpaid fees, and requests payment, an added Twenty-five Dollar (\$25.00) check handling fee shall be required and the permit shall not become valid until cash is paid or a subsequent check is honored by the applicant's bank. When such unpaid fees are not paid thirty (30) days or more after a written request was sent, nor an appeal filed, the Administrator may issue a citation. If such unpaid fees are still not paid after another thirty (30) day period, the permit becomes void and other enforcement actions may be taken. (@@)6/1/1976); (A)12/8/1998)
- (4) **Refunds.** Except as provided in Subsection (e)(2), the Administrator shall not be responsible for tracking, crediting, or refunding any fees paid more than one (1) year prior to permit issuance. Applicants seeking refunds of fees paid for unissued permits shall submit a request to the Administrator within one (1) year of payment. Refunds sought for fees incurred due to erroneous information provided by the Planning and Zoning Agency may be granted only by the Planning and Zoning Committee, in its sole discretion. (A)12/8/1998); (A)9/30/2004); (A)7/30/2013)
- (5) **Fee for Changes.** Where a permit is needed for a change in a land use or a change in the use of an existing structure, the fee shall be the same as that needed to initiate that new land use or to construct a structure of that estimated Fair Market Value for that new use. (A)12/8/1998)
- (6) **Sanitary Permit Fee.** The fee for renewal of a sanitary permit shall be the same as the fee to issue a new sanitary permit for that type of private sewage system. (A)12/8/1998)

Sec. 13-1-22 Setbacks and Height Restrictions. (A)5/28/2002**(a) Shoreline Setbacks.**

- (1) **[Setbacks.]** Except as otherwise provided in this subsection, setbacks for structures on shoreland lots shall be 75 feet from the ordinary high-water mark. (A)10/31/2017
- (2) **Reduced Principal Structure Setbacks.** (s. 59.692(1n), Wis. Stats.) A setback less than the 75' required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows: (©)10/31/2017
 - a. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark provided all of the following are met: (©)10/31/2017
 1. Both of the existing principal structures are located on adjacent lot to the proposed principal structure. (©)10/31/2017
 2. Both of the existing principal structures are located within 250' of the proposed principal structure. (©)10/31/2017
 3. Both of the existing principal structures are located less than 75' from the ordinary high-water mark. (©)10/31/2017
 4. The average setback shall not be reduced to less than 35' from the ordinary high-water mark of any navigable water. (©)10/31/2017
 - b. When a new principal structure qualifies for a reduced building setback, unenclosed accessory structures (functional appurtenances), such as open decks, or patios, if built in conjunction with the principal structure are allowed to be constructed at the reduced setback. (D)10/31/2017; (©)10/31/2017
- (3) **Increased Principal Structure Setback** (s. 59.692(1n)(c), Wis. Stats. A setback greater than the required 75' from the ordinary high-water mark shall be required for a proposed principal structure and determined as follows: (©)10/31/2017
 - a. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark provided all of the following are met: (©)10/31/2017
 1. Both of the existing principal structures are located on adjacent lots to the proposed principal structure. (©)10/31/2017

2. Both of the existing principal structures are located within 200' of the proposed principal structure. (©)10/31/2017)
 3. Both of the existing principal structures are located greater than 75' from the ordinary high-water mark. (©)10/31/2017)
 4. Both of the existing principal structures were required to be located at a setback greater than 75' from the ordinary high-water mark. (©)10/31/2017)
 5. The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built. (©)10/31/2017)
- (4) **Minor Structures Exempted.** Minor, innocuous structures whose presence on the setback area has no significant impact relating to the purpose of shoreland zoning as expressed in s 59.692, Wis. Stats and s. 281.31, Wis. Stats., and which meet all of the following criteria are exempted from the shoreline setback requirement: (A)10/31/2017); (D)2/27/2018-(4)a.); (A)2/27/2018)
- a. Construction shall involve minimal earth disturbing activities.
 - b. Construction shall not involve removal of any shoreland vegetation.
 - c. The structure shall not be visible from the adjacent waterway or from any public thoroughfare.
- (5) **Structures Exempt Under s. 59.692(1v) Wis. Stats.** As required by Section 59.692(1v), Wis. Stats., the shoreland setback requirements of this ordinance do not apply to the following structures proposed to be constructed or placed in a shoreland setback area (as defined by Sec. 59.692(1)(bn), Wis. Stats.): (A)10/31/2017); (A)2/27/2018)
- a. Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area if all of the following requirements are met: (©)10/31/2017)
 1. The part of the structure that is nearest to the water is located at least thirty-five (35) feet landward from the ordinary high-water mark. (©)10/31/2017)
 2. The total cumulative floor area of all structures within the shoreland setback area of the lot upon which the structure is to be located shall not exceed two hundred (200) square feet, excluding boathouses and walkways. (A)1/26/2016); (A)10/31/2017)
 3. The structure has no sides or has open or screened sides.

- (A)10/31/2017)
4. The side yard setback shall be a minimum of fifteen (15) feet. (A)10/31/2017)
 5. The structure sidewall height shall not exceed ten (10) feet, with a maximum overhang of twenty-four (24) inches. (A) 7/28/2015); (A)10/31/2017)
 6. The Bayfield County Planning and Zoning Agency must approve a plan that will be implemented by the owner of the property to preserve or establish a shoreland buffer zone that covers at least seventy percent (70%) of the half of the shoreland setback area that is nearest to the water. The buffer zone shall comply with the following provisions: (A)7/30/2013); (A)10/31/2017)
 - i. The buffer zone shall include a tree canopy, a shrub layer and ground cover. (A)10/31/2017)
 - ii. There shall be no disturbance of land in the buffer zone, except to establish a buffer zone and except for Routine Maintenance of Vegetation. (A)10/31/2017)
 - iii. The buffer zone must have existed for at least three months prior to the issuance of a permit for the structure. Photographs documenting establishment of the buffer zone must be submitted to the Bayfield County Planning and Zoning Agency by the owner prior to the issuance of the permit. (A)7/30/2013); (A)10/31/2017)
 7. Any permit issued for a structure authorized by this section shall be recorded by affidavit with the Bayfield County Register of Deeds and shall include the conditions of this section. (A)10/31/2017)
- b. **Boathouse.** If all of the following requirements are met: (A)7/31/2012); (D)1/26/2016); (D)10/31/2017-g.)
1. Only boathouse construction activities which follow Best Management Practices (BMPs) and are done in a manner designated to minimize erosion, sedimentation and impairment of fish and wildlife habitat and which are accomplished in conformity with all applicable federal, state and local laws are permissible in the shoreland. (©)1/26/2016); (A)10/31/2017)
 2. A Boathouse shall be designed, constructed and used solely for the storage of boats and/or related equipment and shall not include any habitable living area including but not limited

- to decks, patios, lean-tos or porches. (©)1/26/2016); (A)10/31/2017)
3. A Boathouse shall not be equipped with a potable water supply, fireplaces, patio doors, food preparation equipment, furniture or any features inconsistent with the use of the structure exclusively as a boathouse. (©)1/26/2016); (A)10/31/2017)
 4. A Boathouse shall have a gable roof with eaves not to exceed 24 inches. (©)1/26/2016); (A)10/31/2017)
 5. A Boathouse shall not be placed water ward beyond the ordinary high-water mark unless otherwise approved by the Department of Natural Resources. (©)1/26/2016); (A)10/31/2017)
 6. Only one boathouse is permitted, as an accessory structure, for each buildable lot. A boathouse may not be the first structure on the parcel. (©)1/26/2016); (A)10/31/2017)
 7. A Boathouse shall be entirely within the access and viewing corridor; due to the impacts of ice movement, must be setback a minimum of ten feet from the ordinary high-water mark, and shall be constructed in conformity with all floodplain zoning standards. (©)1/26/2016); (A)10/31/2017)
 8. A Boathouse shall not exceed one story. Maximum height from the boathouse floor to the top of the side wall shall not exceed 10 feet. The footprint shall not exceed 400 square feet. (©)1/26/2016) (A)10/31/2017)
 9. The maintenance and repair of existing nonconforming boathouse, which extend beyond the ordinary high-water mark, shall comply with the requirements of s. 30.121 Wis. Stats. (©)1/26/2016); (A)10/31/2017)
 10. Standards for removal of shoreline vegetation in Section 13-1-23 of this ordinance shall be complied with. (©)1/26/2016); (A)10/31/2017)
 11. A Boathouse must use exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site. (©)1/26/2016); (A)10/31/2017)
 12. A boathouse requires a land use permit and must include an impervious surface calculation form and associated fee(s). (©)1/26/2016); (A)10/31/2017)
 13. The roof of a boathouse may be used as a deck provided that the boathouse is an existing boathouse with a flat roof, the roof has no side walls or screens and the roof may have a railing that meets the Department of Safety and

Professional Services standards.; (©)10/31/2017)

- c. Fishing rafts that are authorized on the Wolf River and Mississippi River under s.30.126, Wis Stats. (©)10/31/2017)
- d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter. (©)10/31/2017)
- e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Ch. SPS 383, Wis Adm. Code, and other utility structure that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure. (©)10/31/2017)
- f. Devices or systems used to treat runoff from impervious surfaces. (©)10/31/2017)
- g. **Stairways, Walkways or Rail Systems.** Stairways, elevated walkways and rail systems are exempted from the shoreline setback requirement provided: (A)10/31/2017)
 - 1. The structure is necessary to access the shoreline. (A)10/31/2017)
 - 2. The structure shall be located so as to minimize earth disturbing activities and shoreline vegetation removal during construction and to be visually inconspicuous as viewed from the adjacent waterway and public thoroughfares. (A)10/31/2017)
 - 3. The structure shall be no more than sixty inches (60") wide. (A)10/31/2017)
 - 4. Structures shall be inconspicuously colored. (A)10/31/2017)
 - 5. Railings are permitted only where required by safety concerns. (A)10/31/2017)
 - 6. Canopies and roofs on such structures are prohibited. (A)10/31/2017)
 - 7. Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed forty (40) square feet. (A)10/31/2017)
 - 8. No stairway, landing, elevated walkway, or similar structure shall be constructed without a land use permit having been issued therefore, and any such structure shall be

constructed in accordance with best management practices for minimizing adverse impact on the shoreland area and adjoining water. In determining whether a structure will comply with best management practices the Planning and Zoning Agency may seek the assistance of the county land conservationist. (A)7/30/2013); (A)10/31/2017)

9. Only one such structure will be allowed per lot. (©)10/31/2017)

(6) **Existing Exempt Structures.** Existing exempt structures may be maintained, repaired, replaced, restored, or rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements. (©)10/31/2017); (A)2/27/2018)

(b) **Highway and Bluff or Bank Setbacks.** (©©)6/1/1976); (A)1/25/2000); (A)10/31/2017)

Class of Highway	Setback from Centerline	Setback from Right of Way Line
State & Federal	110'	50' whichever is greater
County	75'	42' whichever is greater
Town	63'	30' whichever is greater

(1) **Reduced Setbacks.** A reduced structural setback shall be allowed where an existing building(s) within three hundred (300) feet on either side of the proposed site is less than the required setback. In such cases, the setback shall be the average of the nearest principal building on each side of the proposed site. If there is no principal building on one side, the setback shall be the average of the one existing principal building and the required setback. In no case shall it be less than one-half (1/2) the required setback from the right-of-way line. (©©)6/1/1976)

(1a) **Reduced Roadway, Rear Yard, Setbacks for Undeveloped and Redeveloped Lots of Record.** (©)2/27/2018)

a. **Nonconforming Plats.** If a lot of record is not deep enough to accommodate required roadway and rear yard setbacks, the roadway or rear yard setback may be reduced until a thirty-foot deep building site is established provided the resulting setback is not less than one-half the distance of the required setback. This provision shall not apply in the shoreland. (A)10/31/2017); (©)2/27/2018)

(2) **Private Road Setbacks.** Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road. (©©)6/1/1976); (A)3/28/2006)

- (3) **Unincorporated Village Overlay District Setbacks.** Within the unincorporated village overlay district, a minimum setback distance of ten (10) feet from the right-of-way line of any street, road or alley shall be maintained. Special structural setback reductions will be permitted within unincorporated villages if there are at least three (3) existing principal buildings, built to less than the required setback, within three hundred (300) feet on either side of the proposed site, the reduced setback may be equal to but no greater than, the setback of the closest adjacent principal building. (©)6/1/1976; (A)10/31/2017)
- (4) **Cul-de-sac Setback.** Setback of 75' from centerline of a cul-de-sac or 30' from ROW whichever is greater. (©)7/28/2015)
- (5) **Bluff or Bank Setback.** For lots having a bank or a bluff, the top of which is discernible due to evidence of erosion (including but not limited to exposed rock), the required setback shall be 75 feet back from the top edge of the bank or bluff, and if a lot is located in an area of active or potential erosion designated on the Wisconsin Shoreline Inventory and Oblique Viewer web site (http://floodatlas.org/asfpm/oblique_viewer/), a greater setback may be required as determined by the Planning and Zoning Committee or its duly designated agent, based upon projected shoreland recession rates. (©)10/31/2017)
- (c) **Greater Setbacks.** In cases of adverse soil to topographical conditions, the Planning and Zoning Administrator and/or Planning and Zoning Committee may require greater setbacks. (A)7/30/2013)
- (d) **Livestock Buildings, Feed Lots.** Buildings used for housing livestock, barnyards and feed lots, shall have a minimum setback distance of three hundred (300) feet from a commercial district or any residence on a non-farm lot and shall have a minimum setback distance of one hundred (100) feet from the normal high-water mark of any navigable water (subject to diversion dikes where needed to control runoff). (©)6/1/1976)
- (e) **Intermittent Streams.** No structure shall be constructed or placed within 25 feet of the top edge of the eroded bank of a non-navigable stream.
- (f) **Wetlands.** No structure shall be constructed or placed within 25 feet of a mapped wetland two acres or greater in area.
- (g) **Measurements.** All setbacks shall be measured horizontally. Structural setbacks shall be measured from the furthest extension of the structure (including eaves and decks) to the closest point of the line in question. (©)6/1/1976)
- (h) **Height Restrictions.** Within shoreland areas no structures may be constructed taller than 35 feet in height. The height of a structure shall be the difference in elevation between its highest point and its lowest point of intersection with ground level, exclusive of chimneys, communications, antennas, weather vanes, and lightening rods which do not extend more than five (5) feet above the highest

point on the roof. Applications for land use permits for structures thirty (30) feet and more in height shall include elevational drawings accurately showing the height of the proposed structure as defined above. (A) 7/28/2015)

- (i) **Side and Rear Yard Setbacks.** Side and rear yard setbacks (other than shoreline and public road setbacks) shall be as set forth in Section 13-1-60.
- (j) **Boundary Line Determinations.**
 - (1) Prior to the placement or construction of a structure within ten (10) feet of the minimum required setback, the boundary line from which the setback must be measured must be visible from one previously surveyed corner to the other previously surveyed corner or marked by a licensed surveyor at the owner's expense.
 - (2) Prior to the placement or construction of a structure more than ten (10) feet but less than thirty (30) feet from the minimum required setback, the boundary line from which the setback must be measured must be visible from one previously surveyed corner to the other previously surveyed corner, or verifiable by the Department by use of a corrected compass from a known corner within 500 feet of the proposed site of the structure, or must be marked by a licensed surveyor at the owner's expense.
- (k) **Setbacks on Properties Subject to Adverse Possession Claims.** In situations where there is a claim of adverse possession, setback requirements may be met or complied with by obtaining an easement from the adjacent property owner. Said easement shall specifically describe the easement parcel with a map of survey attached. Said easement does not eliminate any non-conforming status of the structure and expansion requests must comply with any other requirements of the Bayfield County Zoning Ordinance. For zoning purposes, any such easement shall be deemed to run with the land unless otherwise specifically stated or provided in the easement. The easement shall be reviewed and approved by the Bayfield County Planning and Zoning Agency and shall be recorded in the Bayfield County Register of Deeds Office. (©)1/31/2012)

Sec. 13-1-23 Shoreland-Upland Screening, Fencing and Vegetative Management.

Regulation of screening, fencing, and vegetative management is necessary to minimize off-site nuisances, to control erosion, to protect the scenic beauty of an area, and, in the shoreland area, to reduce effluent and nutrient flow from the land to its receiving waters, as follows:

(a) Shoreland Vegetation Protection and Vegetative Management Areas.
(A)10/31/2017)

(1) There shall be a shoreland vegetation protection area on each lot adjoining or including navigable water extending from the ordinary high-water mark (OHWM) to a line that is 35 feet from the ordinary high-water mark. Within such area, the removal of trees, shrubs, and ground cover, and land disturbing activities are prohibited with the following exceptions:
(A)10/31/2017)

- a. One 35 foot wide viewing corridor for every one hundred feet (100') of frontage on a body of water may be established by pruning and selective removal of trees and shrubbery. Clear cutting, filling, grading, and other land disturbing activities are prohibited. Sufficient trees and shrubbery shall be retained to screen development from view from the water but provide a filtered view of the water. The viewing corridor(s) shall be more or less perpendicular to the shore, and shall be set back at least ten (10) feet from each side lot line. For lots with less than 100 feet of frontage, the width of the viewing corridor shall be no more than 35% of the frontage. A viewing/access corridor may not be established where the absence of vegetation provides a similar naturally occurring opening. A viewing corridor may run contiguously for the entire maximum width allowed under this ordinance. (A)1/18/2005); (A)10/31/2017); (A)2/28/2018)
- b. Plant removal and land disturbance are permitted to the extent, and only to the extent, that they are necessary in connection with the erection or placement of structures in the shoreland vegetation protection area which are authorized under Subsections 13-1-22(a) (7) or (8) of this Ordinance. (A)1/18/2005); (A)10/31/2017)
- c. The county may allow routine maintenance of vegetation.
(©)10/31/2017)
- d. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 125 (2)(b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices. (©)10/31/2017); (A)2/27/2018)

- e. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable. (©)10/31/2017
 - f. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area. (©)10/31/2017
- (2) No fences shall be allowed in the shoreland vegetation protection area. (A)12/12/2000
- (b) **Commercial Harvesting of Trees in Shoreland Areas.** From the inland edge of the shoreland vegetation protection area to the outer limits of the shorelands, the commercial harvesting of trees shall be allowed when accomplished under accepted forest management practices which are approved by the Soil Conservation Service, Bayfield County Forestry Department, Wisconsin Department of Natural Resources and U. S. Forest Service. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations.
- (c) **Shoreland and Upland Screening and Fencing.** Screening and/or fencing which may be required by this Chapter or by the Planning and Zoning Committee shall be subject to the following provisions: (A)7/30/2013
- (1) **Plan Required.** Any use, special use, or conditional use listed in this Chapter requiring screening or fencing shall be permitted only when authorized by the Planning and Zoning Committee and subject to its approval of a screening or fencing plan for that particular use. In all instances, the preferred screening material shall be vegetation natural to the region. (A)7/30/2013
 - (2) **Purposes.** Planting and other suitable screening, including fences and freestanding walls, shall be required when deemed necessary for screening or enclosure purposes by the Planning and Zoning Committee. Examples of uses which may necessitate screening include outdoor storage yards, industrial property lines, salvage yards, refuse disposal sites, quarries, mines, mobile home parks, trailer camps, and campgrounds. Such provisions shall be required to the extent needed to provide for: (A)7/30/2013

- a. Screening of objectionable views.
- b. Enclosure of storage materials.
- c. Public health and safety.
- d. A suitable setting for the particular use and other facilities.

(3) ***Screen Planting.***

- a. Screen plantings shall be adequate to screen objectionable views effectively within a reasonable time. In some cases, temporary screening devices may be required until suitable screen planting can be achieved.
- b. Other planting: For uses such as mobile home parks and campgrounds, other planting should be adequate in size, quantity, and character to other improvements, to provide adequate privacy, minimize glare, and promote pleasant aesthetics.
- c. Existing planting: Existing planting is acceptable as required planting to the extent that it is equivalent, suitable, and preserved in good condition.
- d. Fences and walls shall be appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather, and use.
- e. All screening, fences, and walls required by this Chapter shall be maintained so as not to provide an objectionable view by themselves.

Sec. 13-1-24 Filling; Grading; Dredging; Lagooning

- (a) **General Requirements.** Only filling, grading, dredging, lagooning, ditching, and excavating which is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and which is accomplished in conformity with all applicable federal, state and local laws is permissible in the shoreland.
- (b) **Lake Superior.** Except as provided in subsection (c), a Class A special use permit shall be required for excavating, grading, or filling of two hundred (200) square feet or more within one thousand (1,000) feet of the normal high-water mark of Lake Superior (roadway maintenance accepted).
- (c) **Filling.** A permit shall be required from the Department of Natural Resources under Ch. 30, Wis. Stats., or from any other state agency having jurisdiction. (©©)10/31/2017) (D)10/31/2017-(1)(2)
- (d) **Grading.** Except as provided in subsections (b) and (c), a Class A special use permit shall be required for the grading or filling of one thousand (1,000) square feet or more within a strip paralleling the shoreline of a navigable water and extending inland three hundred (300) feet from the ordinary high-water mark. (A) 7/28//2015)
- (1) All farm lands are excluded from the provisions of this Section.
 - (2) A Class A special use permit shall be required for any grading in areas on slopes greater than twenty percent (20%).
 - (3) In passing upon a special use permit, the Planning and Zoning Agency and/or Planning and Zoning Committee may require the following information: (A)7/30/2013)
 - a. A detailed description of the grading that is to be conducted and the proposed plans for handling of the spoils.
 - b. A detailed description, including a topographic map of the existing topographic features, the drainage patterns, the existing vegetation and the soil types of the area to be affected.
 - c. A detailed plot plan illustrating the manner and time frame for the restoration of the graded area.
 - (4) The following conditions may be required in addition to those specified under Section 13-1-41:
 - a. That the smallest amount of bare ground be exposed for the shortest time feasible.
 - b. That temporary ground cover, such as mulch be used and permanent cover be planted.

- (5) Routine road maintenance (but not significant upgrading or rebuilding) and grading incidental to approved construction activity are exempt from grading permit requirements.
- (e) **Dredging and Lagooning.** A Class B special use permit (see Section 13-1-41) shall be required for any dredging and lagooning. In addition, a permit shall be obtained from the Wisconsin Department of Natural Resources under Ch. 30, Wis. Stats. or any other state agency having jurisdiction:
- (1) In passing upon a special use permit, the Planning and Zoning Committee shall require the following information: (A)7/30/2013
- a. A detailed description, including a map of the vegetation, bottom type and surrounding drainage patterns of the area to be affected.
 - b. A detailed description, including a map of the proposed alterations, with plans for the disposal of spoils.
 - c. Whether the area to be filled serves as a nesting or spawning area for wildlife or as a habitat for any rare or endangered plant or animal species.
- (2) The Planning and Zoning Committee may require the following conditions in addition to those specified under Section 13-1-41: (A)7/30/2013
- a. That dredging to a firm bottom be carried out before filling.
 - b. That dredging be conducted in such a manner as to avoid fish trap conditions.
 - c. That walls of a channel or artificial waterways be constructed with side slopes of fifty percent (50%) or less, unless vertical bulk heading is provided.

Sec. 13-1-25 Nonmetallic Mines. (®®)6/1/1976); (®®)3/29/2007);(A)5/28/2019

- (a) **General Requirements.** The purpose of this Section is to ensure that all nonmetallic mining operations, including the removal of sand and gravel, are conducted at locations and in such a manner so as to be compatible with the uses of neighboring lands and to minimize environmental degradation. (®®)6/1/1976); (A)3/29/2007); (A)5/28/2019)
- (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. (®®)6/1/1976); (A)3/29/2007)
- (c) **Basis of Approval.** In passing upon a conditional use permit, the Planning and 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 Planning and Zoning Committee: (®®)6/1/1976); (®®) /2008); (A)7/30/2013)
- (1) A legal description of the proposed site. (®®)6/1/1976)
 - (2) A detailed description of the topography and vegetative cover of the area to be mined. (®®)6/1/1976)
 - (3) The proposed setbacks that are to be observed and a description of the access to the area. (®®)6/1/1976)
 - (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. (®®)6/1/1976)
 - (5) 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. (®®)6/1/1976); (A)3/29/2007)

- (d) **Conditions of Approval.** (®®)6/1/1976); (D)3/29/2007)

- (1) The Planning and Zoning Committee shall require as conditions of the permit. (6/1/1976); (D)3/29/2007; (A)7/30/2013
 - (a) A boundary survey or accurate identification of exterior boundaries. (3/29/2007)
 - (b) That appropriate setbacks and other dimensional requirements as set forth by the Planning and Zoning Committee be met. (6/1/1976); (A)7/30/2013
 - (c) That appropriate measures be taken to avoid nuisance affecting surrounding uses, pollution of any sort, and erosion. (6/1/1976)
 - (d) That no more than a forty (40) acre parcel shall be permitted at any one time. (3/29/2007)
- (2) The Planning and 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: (3/29/2007); (A)7/30/2013
 - (a) That suitable landscaping, screening, and fencing be required. (6/1/1976); (3/29/2007)
 - (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. (3/29/2007)
 - (c) That the applicant provide the Planning and 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. (3/29/2007); (A)7/30/2013
 - (d) Designated hours and days of operation. (3/29/2007)
 - (e) An expiration date. (3/29/2007)
- (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 Planning and 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. (6/1/1976); (A)7/30/2013
- (f) **Existing Quarry Operations.** The owners of quarry, mining, and/or drilling sites shall submit to the Bayfield County Planning and Zoning Committee the names of the quarry, mining, and/or drilling owners and operators, including all parties to farm out contracts. (6/1/1976); (A)7/30/2013
- (g) **Prohibited Areas.** Nonmetallic mining, and/or drilling for oil or gas shall not be allowed in the following areas: (A)3/29/2007;(A)5/28/2019

- (1) Under lakes, rivers, creeks, or streams.
- (2) Within one (1) mile of Lake Superior or connected wetlands. (A)3/29/2007
- (3) Within one (1) mile of any lake, river, creek, or stream.

NOTE: Nonmetallic mine sites may be permitted within one (1) mile of Lake Superior and connected wetlands and within one (1) mile of any lake, river, creek or stream, but shall be excluded from under lakes, rivers, creeks, or streams. (A)3/29/2007

Sec. 13-1-25A. Metallic Mineral Mining. (©)5/28/2019**(a) Definitions.** (©)5/28/2019

Capitalized terms used in this Ordinance, unless otherwise specifically defined, are defined as follows: (©)5/28/2019)

- (1) **Any term not expressly defined in this Ordinance.** Shall have the meaning set forth in Wis. Stat. Chapter 293, and if not defined therein then as defined in Wis. Admin, Code Ch. NR 132, and if not defined therein then as defined in Wis. Admin. Code Ch. NR 182. (©)5/28/2019)
- (2) **Affiliate.** Means any Person that, directly or indirectly, controls, or is controlled by, or is under common control with a Person. “Control” (and the correlative meanings of the terms “controlled by” and “under common control with”) means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of such Person. (©)5/28/2019)
- (3) **Applicable Laws and Regulations.** Means any federal, State, municipal, regulatory or other governmental entity law, regulation, requirement, condition, restriction, or binding agreement applicable to Exploration, an Exploration Site, Prospecting, a Prospecting Site, Bulk Sampling, a Bulk Sampling Site, a Mining Site, Mining, a Mining Operation, or other provision contained within an Exploration Permit, Prospecting Permit, Bulk Sampling Permit or Mining Permit issued pursuant to this Ordinance. (©)5/28/2019)
- (4) **Applicant.** Means any Person that has or intends to submit an Application for a Mining Permit to Bayfield County pursuant to this Ordinance. (©)5/28/2019)
- (5) **Application.** Means an application filed or to be filed with Bayfield County by which the Applicant applies for a Mining Permit pursuant to this Ordinance and shall contain all the information required by the Ordinance, including, but not limited to, the information required pursuant to Section 13-1-25A(l) of this Ordinance or as may otherwise be reasonably required by the County. (©)5/28/2019)
- (6) **Buffer Area.** Means an undisturbed vegetated area measured from the property line of the Mining Site into the Mining Site, in which no Mining Operations, structures or roads can occur or be constructed except for the construction and maintenance of a vegetated berm or a berm constructed of materials acceptable to the County. (©)5/28/2019)
- (7) **Bulk Sampling.** Means the same definition as set forth in Wis. Stat. § 293.01(2m), as may be amended. (©)5/28/2019)
- (8) **Bulk Sampling Permit.** Means a permit issued pursuant to Section 13-1-25A(f) of this Ordinance. (©)5/28/2019)

- (9) **Bulk Sampling Site.** Means the entire area of land upon which Bulk Sampling will occur. (©)5/28/2019
- (10) **Conditional Use Permit.** Means a permit issued pursuant to Section 13-1-25A(n) of this Ordinance. (©)5/28/2019
- (11) **Conditional Use Permit/Mining Permit.** Means a Mining Permit issued by virtue of an approved and issued Conditional Use Permit. (©)5/28/2019
- (12) **County.** Means the County of Bayfield. (©)5/28/2019
- (13) **County Board.** Means the Bayfield County Board of Supervisors. (©)5/28/2019
- (14) **County Board of Adjustments.** Means the Board of Adjustment of Bayfield County pursuant to Wis. Stat. § 59.694. (©)5/28/2019
- (15) **County Zoning Ordinance.** Means the zoning and land use ordinance adopted by Bayfield County pursuant to Wis. Stat. § 59.69. (©)5/28/2019
- (16) **County Planning and Zoning Committee.** Means the Bayfield County Planning and Zoning Committee of the Bayfield County Board of Supervisors, and the designated county zoning agency of Bayfield County pursuant to Wis. Stat. § 59.69(2). (©)5/28/2019
- (17) **Exploration.** Means exploration as defined in Wis. Admin. Code Ch. NR 130, as may be amended. (©)5/28/2019
- (18) **Exploration Permit.** Means the permit required pursuant to Section as a condition of engaging in Exploration. (©)5/28/2019
- (19) **Exploration Site.** Means the entire area of land upon which Exploration will occur. (©)5/28/2019
- (20) **Government Body or Agency.** Means any State, federal, municipal entity, department, agency, regulatory authority, or other government unit having jurisdiction or maintaining any other authority to regulate Exploration, an Exploration Site, Prospecting, a Prospecting Site, Bulk Sampling, a Bulk Sampling Site, Mining, a Mining Site, or Mining Operations. (©)5/28/2019
- (21) **Local Agreement.** Means an agreement entered into pursuant to Wis. Stat. § 293.41. and approved pursuant to Section 13-1-25A(o) of this Ordinance. (©)5/28/2019
- (22) **Local Agreement/Mining Permit.** Means a Mining Permit issued by virtue of an approved Local Agreement. (©)5/28/2019

- (23) **Local Committee.** Is a committee created pursuant to Wis. Stat. § 293.33 and Section 13-1-25A(h) of this Ordinance. (©)5/28/2019)
- (24) **Mining or Mining Operation.** Means all or part of the process involved in the mining of nonferrous metallic minerals, on or as part of the Mining Site, other than for Exploration, Bulk Sampling, or Prospecting, including, but not limited to: (©)5/28/2019)
- a. Extraction from the earth of mineral aggregates or minerals for off-site use or sale, including drilling and blasting, as well as associated activities such as excavation, grading and dredging of such materials. (©)5/28/2019)
 - b. Manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation or blending of the mineral aggregates or metallic minerals obtained by extraction from the mining site or with materials transferred from off-site. (©)5/28/2019)
 - c. Manufacturing processes aimed at producing metallic or nonmetallic products for sale or use by the operator. (©)5/28/2019)
 - d. Stockpiling or storage of metallic or nonmetallic products for sale or use off-site and stockpiling of waste materials. (©)5/28/2019)
 - e. Transport of the extracted metallic or nonmetallic materials, finished products or waste materials to or from the extraction site. (©)5/28/2019)
 - f. Disposal of waste materials. (©)5/28/2019)
 - g. Reclamation of extraction site. (©)5/28/2019)
 - h. Prospecting or Exploration for metallic minerals is not mining under the terms of this Ordinance. (©)5/28/2019)
 - i. Commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden and the production of refuse. (©)5/28/2019)
- (25) **Mining Permit.** Means either a Conditional Use Permit issued pursuant to Section of this Ordinance, or a Local Agreement negotiated, approved and issued pursuant to Wis. Stat. § 293.41 and Section 13-1-25A(o) of this Ordinance. (©)5/28/2019)
- (26) **Mining Site.** Means the entire area of land upon which Mining Operations will occur, and shall include, but not be limited to, the surface area disturbed by a Mining Operation, the surface area from which the nonferrous metallic minerals or refuse or both have been removed, the surface area covered by the refuse, all lands disturbed by the Mining Operation or associated activities, the surface area covered by construction or improvement of haulage ways, and any surface areas in

which processing facilities, structures, equipment, materials and any other activities associated with the Mining Operation are situated, operated, conducted or otherwise utilized. (©)5/28/2019)

- (27) **Operator.** Means any Person who is engaged in, or who has applied for and been granted a Mining Permit to conduct Mining, Mining Operations, or other activities associated with Mining on a Mining Site or as part of a Mining Operation, whether individually, jointly or through subsidiaries, agents, employees or contractors. (©)5/28/2019)
- (28) **Ordinance.** Means this metallic mining ordinance adopted by Bayfield County and included in the County Zoning Ordinances as a use in the M-M District. (©)5/28/2019)
- (29) **Permittee.** Means any Person granted a Mining Permit pursuant to this Ordinance. (©)5/28/2019)
- (30) **Person.** Means any person, individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, State agency or federal agency. (©)5/28/2019)
- (31) **Prospecting.** Means the same definition as set forth in Wis. Stat. § 293.01(18) and Wis. Admin. Code Ch. NR 131, as each may be amended. (©)5/28/2019)
- (32) **Prospecting Permit.** Means a permit issued pursuant to Section 13-1-25A(e) of this Ordinance. (©)5/28/2019)
- (33) **Prospecting Site.** Means the entire area of land upon which Prospecting will occur. (©)5/28/2019)
- (34) **Retained Expert.** Means professional consultants, including, but not limited to, engineers, attorneys, planners, environmental specialists, and other consultants with skills relevant to reviewing, processing and acting upon applications for a Mining Permit or to issues associated with the inspection, monitoring and enforcing of approvals and requirements of a Mining Permit. (©)5/28/2019)
- (35) **Section.** Means a specific section of this Ordinance. (©)5/28/2019)
- (36) **State.** Means the State of Wisconsin. (©)5/28/2019)
- (37) **WI DNR.** Means the Wisconsin Department of Natural Resources. (©)5/28/2019)
- (38) **WI DNR Exploration License.** Means an exploration license issued by WI DNR pursuant to Wis. Stat. § 293.21(2). (©)5/28/2019)
- (39) **Zoning Administrator.** Means the administrator of the Bayfield County Zoning and Conservation Department. (©)5/28/2019)

(b) **Findings, Purpose and Authority.** (©)5/28/2019)

(1) **Findings.** (©)5/28/2019)

- a. Metallic mining is a permitted activity under State law and has the potential to both beneficially and adversely impact County residents, environments and economies. Metallic mining may provide employment opportunities, needed industrial materials and significant economic benefits to local communities. Metallic mining operations, however, have the potential to create nuisance conditions, negatively impact property values and present health and safety impacts to County residents if not properly designed and operated. (©)5/28/2019)
- b. Exploration, Prospecting and Bulk Sampling are regulated by the State, yet it is appropriate for the County to reasonably regulate these uses and operations to the extent that such regulation generally falls within the County's jurisdiction, such as regulation of hours of operation, traffic and noise levels. (©)5/28/2019)
- c. Many aspects of Mining Operations are subject to State and/or federal regulation. WI DNR is the unit of State government responsible for regulating any adverse impact of metallic mining and reclamation on the air, lands, water, plants, fish and wildlife in the State. The County is also authorized to regulate metallic mining so long as its regulation is not preempted by other Applicable Laws and Regulations. Accordingly, the County enacts this Ordinance to further the purposes stated above, which include, but are not limited to, the protection of people on neighboring properties to a Mining Site in the County, their domestic animals, structures, businesses and human endeavors and activities situated thereon, as well as the protection of County resident health, safety, convenience and general welfare from the potential adverse effects from metallic mineral mining, including, but not limited to:
 1. Sounds, noise, earth movement, shock, vibrations, cracks in structures and interference with the peace, quiet and enjoyment of life on neighboring properties resulting from mining activities. (©)5/28/2019)
 2. Smells, odors, dust and particulates entering upon neighboring properties and impacting County residents. The County is not, by this Ordinance, regulating air or air quality, but seeks to protect neighboring properties, people and the County and activities therein from the adverse effects of smells, odors, dust and particles due to Mining Operations, whether transported or moved by gravity, vehicles, people, wind, weather, climatic condition or other forces. (©)5/28/2019)

3. Light and light pollution entering upon neighboring properties from a Mining Site or as a result of Mining Operations. (©)5/28/2019
 4. Damage to the County's property tax base. (©)5/28/2019
 5. Damage to or destruction of public roads, public highways and bridges from vehicles and equipment used in or at the Mining Site or as part of Mining Operations. (©)5/28/2019
 6. Adverse effects on educational, recreational and business facilities in the County. (©)5/28/2019
 7. Adverse effects on agricultural, forestry, industry and business future growth in the County. (©)5/28/2019
 8. Adverse effects on uses of land in the County in accordance with their character and adaptability. (©)5/28/2019
 9. Adverse effects on the beauty and amenities of the neighboring landscape and the County's physical features. (©)5/28/2019
 10. Adverse effects on healthy surroundings for citizens', residents' and visitors' quality of life. (©)5/28/2019
- d. Given the potential effects of Mining Operations noted above and given the complexity and uniqueness of each proposed Mining Operation, the County requires a mechanism by which to control the local impacts of Mining Operations, without duplicating or conflicting with Applicable Laws and Regulations. (©)5/28/2019
 - e. A Conditional Use Permit is a flexible planning and land use regulatory device designed to cope with situations, problems and hazards which may result from the specific metallic mineral mining project under consideration. (©)5/28/2019
 - f. A Local Committee, created pursuant to Wis. Stat. § 293.33, presents an opportunity for the County, the Applicant, other units of government and other stakeholders to discuss and plan for the County's concerns associated with a proposed Mining Operation, and to develop solutions to address those concerns. The findings of a Local Committee may be a useful tool in negotiating a Local Agreement. (©)5/28/2019
 - g. A Local Agreement, as statutorily permitted pursuant to Wis. Stat. § 293.41, provides the County flexibility in the approval process by allowing an Applicant and the County to negotiate terms prior to commencement of the actual approval process. Also, a Local

Agreement acts as a specific exception to general zoning requirements, and therefore allows the County to set forth its approvals in one binding agreement with an Applicant. (©)5/28/2019)

- h. There exist two separate and independent procedures by which an Applicant may obtain a Mining Permit under this Ordinance: (1) the Applicant may apply for and the County may approve the issuance of a Conditional Use Permit pursuant to Section 13-1-25A(n) or (2) the Applicant and the County may enter into a Local Agreement pursuant to the terms of Wis. Stat. § 293.41 and Section 13-1-25A(o). A Local Agreement may include terms, conditions and provisions that the County may deem necessary to protect the health, welfare, safety and convenience of the County and its residents. The benefits of a Local Agreement include, but are not limited to, addressing the County's, Applicant's and Operator's concerns regarding the Mining Operation, the ability to modify or waive certain provisions of this Ordinance and any other County regulation, the inclusion of other parties or units of government in the Local Agreement, memorialize the findings of a Local Committee created pursuant to Wis. Stat. § 293.33, and memorialize the overall understanding of the parties in a binding agreement. A Conditional Use Permit shall be approved pursuant to Section 13-1-25A(n) and suspended, modified, amended or revoked pursuant to Section 13-1-25A(s) of this Ordinance. A Local Agreement shall be entered into and approved pursuant to Wis. Stat. § 293.41 and Section 13-1-25A(o), and may be suspended, modified, amended or revoked pursuant to its terms and Section 13-1-25A(s). (©)5/28/2019)
- i. This Ordinance is not intended to conflict with, defeat the purpose of, or violate the spirit of State or federal law. This Ordinance shall be interpreted and applied in a manner that complements, and does not conflict with, State law as set forth in Wis. Stat. § 293.41 or other Applicable Laws or Regulations. (©)5/28/2019)

(2) **Purpose.** The purpose of this Ordinance is to accomplish the following: (©)5/28/2019)

- a. To complement State law regulating Exploration, Prospecting and Bulk Sampling. (©)5/28/2019)
- b. To establish local minimum standards for Mining Operations conducted within the County, and a process by which to systematically consider Mining Permit Applications and Mining Operations in a manner that promotes the health, safety, welfare and convenience of the County and its residents. (©)5/28/2019)
- c. To minimize or prevent any adverse on- or off-site impacts resulting from Mining Operations, including, but not limited to, the potential impacts set forth in Section 13-1-25A(b)(1)(c). (©)5/28/2019)

- d. To set forth rules and procedures to govern Mining and Mining Operations within the County, establish procedures for the administration and enforcement of this Ordinance, and provide penalties for its violation. (©)5/28/2019
- e. To specifically set forth the requirements for any Person desiring to engage in Mining or any Mining Operation in the County to first obtain a Mining Permit from the County and subsequently act and operate in accordance with the conditions on such Mining Permit so the County can, to the extent of the County's authority, promote the public health, safety, convenience and general welfare. (©)5/28/2019
- f. To encourage and ensure, to the greatest extent possible: (©)5/28/2019
 - 1. Planned and orderly land use development; (©)5/28/2019
 - 2. The protection of property values and the property tax base; (©)5/28/2019
 - 3. Careful planning and efficient maintenance of highway systems and other transportation infrastructure; (©)5/28/2019
 - 4. Adequate highway, utility, health, educational and recreational facilities; (©)5/28/2019
 - 5. The needs of agriculture, forestry, industry and business in future growth; (©)5/28/2019
 - 6. The use of land and other natural resources which are in accordance with their character and adaptability; (©)5/28/2019
 - 7. The protection of surface and groundwater resources; (©)5/28/2019
 - 8. The conservation of soil, water and forest resources; (©)5/28/2019
 - 9. The protection of the beauty and amenities of the landscape and physical features within the County; (©)5/28/2019
 - 10. Healthy surroundings for citizens' and visitors' enjoyment and lifestyles; and (©)5/28/2019
 - 11. The efficient and economical use of public funds. (©)5/28/2019
- g. To ensure that Mining Operations are permitted in Bayfield County only pursuant to a Mining Permit, issued by virtue of a Conditional Use Permit or a Local Agreement, and only after a Mining Permit is issued by the County in accordance with this Ordinance. (©)5/28/2019

- h. To ensure that the County may utilize a Local Agreement, as permitted in Wis. Stat. § 293.41, as a Mining Permit separate and apart from any procedure set forth for a conditional use. (©)5/28/2019
 - i. To ensure that conditions placed on a Mining Permit granted as a Conditional Use Permit are crafted and tailored to address existing and anticipated conditions and circumstances pertinent to the Mining Operation and impacts on the Mining Site and other areas that may be impacted by the Mining Operations throughout the County. (©)5/28/2019
 - j. To ensure that all conditions placed on a Mining Permit that is issued as a Conditional Use Permit are: (©)5/28/2019
 - 1. Consistent with the purposes of this Ordinance; (©)5/28/2019
 - 2. Within the jurisdiction of the County; (©)5/28/2019
 - 3. Not arbitrary or unreasonable; (©)5/28/2019
 - 4. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019
 - 5. Supported by substantial evidence; and (©)5/28/2019
 - 6. To the extent practicable, measurable. (©)5/28/2019
 - k. To ensure coordination with WI DNR and all other State and federal regulatory bodies of a Mining Operation in the County. (©)5/28/2019
 - l. To ensure consistency with Bayfield County Comprehensive Plan and/or Town Comprehensive Plans, as may be amended. (©)5/28/2019
- (3) **Authority.** This Ordinance is adopted under the authority of the powers set forth in Wis. Stat. Chapter 59, Wis. Stat. Chapter 66, Wis. Stat. Chapter 293, and any other authority granted to the County under State or federal law. (©)5/28/2019
- (c) **Applicability, Exemptions, Interpretation, and Effective Date** (©)5/28/2019
- (1) **Applicability.** This Ordinance shall apply to the use and proposed use of land within the unincorporated areas of the County that are subject to the County Zoning Ordinance, for the purpose of any proposed Mining Operation regardless of when such use is commenced and regardless of where such use is proposed within the County. (©)5/28/2019
 - (2) **Exemptions.** This Ordinance does not apply to: (©)5/28/2019

- a. Except as set forth in Sections 13-1-25A(i)(2) and 13-1-25A(o)(5) below, any Mining Operations made specifically exempt from any requirement in this Ordinance pursuant to a Local Agreement with the Operator under Wis. Stat. § 293.41. (©)5/28/2019
 - b. Except as set forth in Sections 13-1-25A(i)(2) and 13-1-25A(o)(5) below, any other requirements of the County Zoning Ordinance that may be modified or waived in a Local Agreement. (©)5/28/2019
- (3) **Interpretation.** Except as set forth in Section 13-1-25A(t) of this Ordinance, this Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing laws, regulations, ordinances, rules, standards or permits that are not specific to metallic mining previously adopted pursuant to other Wisconsin law. (©)5/28/2019
 - (4) **Severability.** Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional, invalid, unlawful or unenforceable by a final order of a court of competent jurisdiction, including, but not limited to, all applicable appeals, the remainder of this Ordinance shall remain in full force and effect. (©)5/28/2019
 - (5) **Effective Date of Ordinance.** Subject to Section 13-1-25A(t), this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. §59.14. (©)5/28/2019
 - (6) **Modification, Amendment, Suspension or Elimination of this Ordinance.** Any modification, amendment, suspension or elimination of this Ordinance, whether in part or in full, shall require a majority affirmative vote by the County Board. (©)5/28/2019
 - (7) **Impact on Existing County Zoning Ordinances.** This Ordinance shall amend the existing County Zoning Ordinances as set forth in Section 13-1-25A(t). In the event of any conflict between this Ordinance and any other County Zoning Ordinances or any other general County codes, regulations or ordinances, this Ordinance shall control. (©)5/28/2019
- (d) **Exploration Permit.** (©)5/28/2019
- (1) **Permit Required.** No person may commence any Exploration except in conformance with a valid Exploration Permit issued by the County pursuant to this Section 13-1-25A(d). Exploration may only be conducted as a permitted use within the M-M zoned district as set forth in the County Zoning Ordinance. The Exploration Permit issued by the County is a separate permit from the WI DNR Exploration License. (©)5/28/2019
 - (2) **Conditions on Exploration Permit.** The County shall grant an Exploration Permit if the applicant for the Exploration Permit can demonstrate satisfaction of the following conditions: (©)5/28/2019

- a. Compliance with all terms and conditions of the WI DNR Exploration License for the duration of the WI DNR Exploration License. (©)5/28/2019
 - b. Compliance with all applicable County ordinances. (©)5/28/2019
 - c. Demonstrate to the satisfaction of the County that all other applicable and required federal, State and local permits and approvals required for the Exploration have been or will be obtained prior to commencement of any Exploration. (©)5/28/2019
 - d. Submit a copy of all permits, approvals or waivers of permits to the County, both at the time of application for the Exploration Permit and during the term of the Exploration Permit. (©)5/28/2019
 - e. Comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Exploration. (©)5/28/2019
 - f. Provide proof that any financial assurances required by a Government Body or Agency, if any, have been obtained as required by any Applicable Laws and Regulations. (©)5/28/2019
- (3) **The County shall impose conditions on the Exploration Permit related to the following:** (©)5/28/2019
- a. Provide a Buffer Area or screening from the Exploration sites if the Exploration activities would cause undue noise, dust, lighting, odors or other adverse impacts on neighboring properties. (©)5/28/2019
 - b. Establish a setback of at least 1,200 feet between any Exploration Site and any existing occupied structure. (©)5/28/2019
 - c. Conduct Exploration only on Monday through Friday, not earlier than 6:00 a.m. and not later than 9:00 p.m., and on Saturday not earlier than 6:00 a.m. and not later than noon, to avoid substantial or undue impacts on neighboring properties and County residents. (©)5/28/2019
 - d. Limit night lighting if Exploration occurs during hours of darkness to that which is minimally necessary for security and worker safety. (©)5/28/2019
 - e. Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners. (©)5/28/2019
 - f. All hazardous chemicals or substances kept on the Exploration Site or related to the Exploration shall be stored in State-approved storage containers and storage areas. (©)5/28/2019

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- g. Take necessary measures to control fugitive dust. (©)5/28/2019)
 - h. Maintain compliance with all State and federal permits related to the Exploration, the suspension or revocation of which shall cause the automatic termination of the County Exploration Permit. (©)5/28/2019)
 - i. Any other conditions that the County deems reasonable and necessary and that are: (©)5/28/2019)
 - 1. Within the jurisdiction of the County; (©)5/28/2019)
 - 2. Not arbitrary or unreasonable; (©)5/28/2019)
 - 3. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019)
 - 4. Supported by substantial evidence; and (©)5/28/2019)
 - 5. To the extent practicable, are measurable. (©)5/28/2019)
- (4) **Compliance.** Must be met at all times or the Exploration Permit may be revoked or subject to enforcement, fines and penalties as provided in Section 13-1-25A(s). (©)5/28/2019)
- (5) **Duration of Exploration Permit.** The Exploration Permit shall be of the same duration as the WI DNR Exploration License, so long as the Exploration Permit holder complies with all required applicable laws and regulations, all permits, orders, conditions or other requirements set forth by any government body or agency, and suspension or revocation of the Exploration Permit does not occur pursuant to this Ordinance. (©)5/28/2019)
- (e) **Prospecting Permit.** (©)5/28/2019)
- (1) **Permit Required.** No person may commence any Prospecting except in conformance with a valid Prospecting Permit issued by the County pursuant to this Ordinance. Prospecting may only be conducted as a conditional use within the M-M zoned district as set forth in the County Zoning Ordinance. (©)5/28/2019)
 - (2) **Conditions on Prospecting.** The County shall grant a Prospecting Permit if the Applicant can demonstrate satisfaction of the following conditions: (©)5/28/2019)
 - a. Compliance with all applicable County Ordinances. (©)5/28/2019)
 - b. Demonstrate, to the sole satisfaction of the County, that all Applicable Laws and Regulations promulgated by any Government Body or Agency, including, but not limited to, a WI DNR permit for

the same Prospecting activity, have been or will be obtained prior to commencement of any Prospecting. (©)5/28/2019)

- c. Submit a copy of all permits, approvals or waivers of permits to the County, both at the time of application for the Prospecting Permit and during the term of the Prospecting Permit. (©)5/28/2019)
- d. Compliance with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Prospecting. (©)5/28/2019)
- e. Provide proof that any financial assurances required by a Government Body or Agency, if any, have been obtained as required by any Applicable Laws and Regulations. (©)5/28/2019)

(3) **The County shall impose conditions** on the Prospecting Permit related to the following: (©)5/28/2019)

- a. Provide a Buffer Area or screening from the Prospecting sites if the Prospecting activities would cause undue noise, dust, lighting, odors or other adverse impacts on neighboring properties. (©)5/28/2019)
- b. Establish a setback of at least 1,250 feet between any Prospecting Site and any existing occupied structure. (©)5/28/2019)
- c. All hazardous chemicals or substances kept on the Prospecting Site or related to the Prospecting shall be stored in State-approved storage containers and storage areas. (©)5/28/2019)
- d. Conduct Prospecting only on Monday through Friday, not earlier than 6:00 a.m. and not later than 9:00 p.m., and on Saturday not earlier than 6:00 a.m. and not later than noon, to avoid substantial or undue impacts on neighboring properties and County residents. (©)5/28/2019)
- e. Limit night lighting if Prospecting occurs during hours of darkness to that which is minimally necessary for security and worker safety. (©)5/28/2019)
- f. Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners. (©)5/28/2019)
- g. Take necessary measures to control fugitive dust. (©)5/28/2019)
- h. Maintain compliance with all State and federal permits related to the Prospecting, the suspension or revocation of which shall cause the automatic termination of the Prospecting Permit. (©)5/28/2019)

- i. Any other conditions, including but not limited to additional buffers and screening, that the County deems reasonable and necessary and that are: (©)5/28/2019
 1. Within the jurisdiction of the County; (©)5/28/2019
 2. Not arbitrary or unreasonable; (©)5/28/2019
 3. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019
 4. Supported by substantial evidence; and (©)5/28/2019
 5. To the extent practicable, are measurable. (©)5/28/2019
- (4) **Compliance.** Conditions established pursuant to the Prospecting Permit must be met at all times or the Prospecting Permit may be revoked or subject to enforcement, fines or penalties as provided in Section 13-1-25A(s). (©)5/28/2019
- (5) **Duration of Prospecting Permit.** The Prospecting Permit shall be of the same duration as the Prospecting Permit issued by WI DNR for the same Prospecting activities, so long as all the Prospecting Permit holder complies with all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Prospecting Permit does not occur pursuant to this Ordinance. (©)5/28/2019
- (f) **Bulk Sampling Permit.** (©)5/28/2019
 - (1) **Permit Required.** No person may commence any Bulk Sampling except in conformance with a valid Bulk Sampling Permit issued by the County pursuant to this Ordinance. Bulk Sampling may only be conducted as a conditional use within the M-M zoned district as set forth in the County Zoning Ordinance. (©)5/28/2019
 - (2) **Conditions on Bulk Sampling.** The County may set the following conditions on a Bulk Sampling Permit to ensure that any party engaging in Bulk Sampling shall: (©)5/28/2019
 - a. Comply with all applicable County Ordinances. (©)5/28/2019
 - b. Demonstrate, to the sole satisfaction of the County, that all Applicable Laws and Regulations promulgated by any Government Body or Agency, including, but not limited to, a WI DNR permit for the same Bulk Sampling activity, have been or will be obtained prior to commencement of any Bulk Sampling. (©)5/28/2019

- c. Submit a copy of all permits, approvals or waivers of permits to the County, both at the time of application for the Bulk Sampling Permit and during the term of the Bulk Sampling Permit. (©)5/28/2019
- d. Comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Bulk Sampling. (©)5/28/2019
- e. Provide proof that any financial assurances required by a Government Body or Agency, if any, have been obtained as required by any Applicable Laws and Regulations. (©)5/28/2019

(3) The County shall impose conditions on the Bulk Sampling Permit related to the following: (©)5/28/2019

- a. Provide a Buffer Area or screening from the Bulk Sampling sites if the Bulk Sampling Permit activities would cause undue noise, dust, lighting, odors or other adverse impacts on neighboring properties. (©)5/28/2019
- b. Establish a setback of at least 1,250 feet between any Bulk Sampling Site and any existing occupied structure. (©)5/28/2019
- c. All hazardous chemicals or substances kept on the Bulk Sampling Site or related to the Bulk Sampling shall be stored in State-approved storage containers and storage areas. (©)5/28/2019
- d. Conduct Bulk Sampling only on Monday through Friday, not earlier than 6:00 a.m. and not later than 9:00 p.m., and on Saturday not earlier than 6:00 a.m. and not later than noon, to avoid substantial or undue impacts on neighboring properties and County residents. (©)5/28/2019
- e. Limit night lighting if Bulk Sampling occurs during hours of darkness to that which is minimally necessary for security and worker safety. (©)5/28/2019
- f. Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners. (©)5/28/2019
- g. Take necessary measures to control fugitive dust. (©)5/28/2019
- h. Maintain compliance with all State and federal permits related to the Bulk Sampling, the suspension or revocation of which shall cause the automatic termination of the Bulk Sampling Permit. (©)5/28/2019
- i. Any other conditions, including but not limited to additional buffers and screening, that the County deems reasonable and necessary and that are: (©)5/28/2019

1. Within the jurisdiction of the County; (©)5/28/2019
 2. Not arbitrary or unreasonable; (©)5/28/2019
 3. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019
 4. Supported by substantial evidence; and (©)5/28/2019
 5. To the extent practicable, are measurable. (©)5/28/2019
- (4) **Compliance.** Conditions established pursuant to the Bulk Sampling Permit must be met at all times or the Bulk Sampling Permit may be revoked or subject to enforcement, fines and penalties as provided in Section 13-1-25A(s). (©)5/28/2019
- (5) **Duration of Bulk Sampling Permit.** The Bulk Sampling Permit shall be of the same duration as the Bulk Sampling permit issued by WI DNR so long as all the Bulk Sampling Permit holder complies with all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Bulk Sampling Permit does not occur pursuant to this Ordinance. (©)5/28/2019
- (g) **Mining Permit Required.** (©)5/28/2019
- (1) **Zoning Designation.** Mining Operations may only be conducted within the M-M zoned district and only after issuance of a Mining Permit, as required in this Ordinance. (©)5/28/2019
 - (2) **Mining Permit Requirement.** No person may commence construction of a Mining Site or engage in any Mining Operations in the County except in conformance with a valid Mining Permit issued by the County pursuant to this Ordinance and within an M-M zoned district. A Mining Permit shall be issued as a result of a Conditional Use Permit approved pursuant to Section 13-1-25A(n) or as a result of the approval and adoption of a Local Agreement pursuant to Section 13-1-25A(o). (©)5/28/2019
 - (3) **Duration of Mining Permit.** The Mining Permit shall last through all Mining Operations and reclamation of the Mining Site so long as the Operator complies with all provisions of this Ordinance, any condition imposed by a Conditional Use Permit/Mining Permit, the terms of a Local Agreement in a Local Agreement/Mining Permit, all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Mining Permit does not occur pursuant to this Ordinance. (©)5/28/2019
- (h) **Local Committee.** (©)5/28/2019

- (1) **Formation.** A Local Committee may be formed or convened pursuant to Wis. Stat. § 293.33. (©)5/28/2019)
- (2) **Powers of a Local Committee.** A Local Committee may: (©)5/28/2019)
 - a. Facilitate communications between an Applicant, Operators and the County. (©)5/28/2019)
 - b. Analyze implications of the Mining Operations. (©)5/28/2019)
 - c. Review and comment on reclamation plans. (©)5/28/2019)
 - d. Develop solutions to growth-induced issues caused by Mining Operations. (©)5/28/2019)
 - e. Take other steps permitted by the County Planning and Zoning Committee. (©)5/28/2019)
 - f. Take any other steps permitted to Wis. Stat. § 293.33. (©)5/28/2019)
- (3) **Parties Included in a Local Committee.** The County Planning and Zoning Committee shall determine the size of the Local Committee and the parties that make up the Local Committee, in the County Planning and Zoning Committee's sole discretion, which may include: (©)5/28/2019)
 - a. Representatives of any town, village, city or tribal government representative that may be affected by the Mining Operations. (©)5/28/2019)
 - b. Representatives of other industries or affected units of government that may be affected by Mining Operations, such as school districts, police/fire emergency responders, business and industry, economic development, and environmental and other interest groups or other interested parties. (©)5/28/2019)
 - c. Other interested persons, including, without limitation, a representative of the Applicant and the Operator, which may be the same person if the Applicant shall be the Operator pursuant to the Mining Permit. (©)5/28/2019)
- (4) **Parties Required in a Local Committee.** The following parties shall be included in a Local Committee: (©)5/28/2019)
 - a. At least one representative of the County Planning and Zoning Committee. (©)5/28/2019)
 - b. At least one member of the County Board. (©)5/28/2019)

- c. The County Planning and Zoning Administrator or his or her designee. (©)5/28/2019)
- (5) **Local Committee Findings and Recommendations.** A Local Committee's findings, recommendations or reports shall not be binding upon the County Planning and Zoning Committee in negotiating a Local Agreement, nor upon the County Board when reviewing and deciding upon an Application for Local Agreement/Mining Permit. (©)5/28/2019)
- (i) **Local Agreement** (©)5/28/2019)
- (1) **Local Agreement as Mining Permit.** A Local Agreement may be used as the basis to obtain a Mining Permit and shall be approved pursuant the terms of Wis. Stat. § 293.41 and as set forth in Section 13-1-25A(o). (©)5/28/2019)
- (2) **Required Information.** A Local Agreement shall include the following information pursuant to Wis. Stat. § 293.41(2): (©)5/28/2019)
- a. A legal description of the land subject to the Local Agreement and the names of its legal and equitable owners. (©)5/28/2019)
- b. The duration of the Local Agreement. (©)5/28/2019)
- c. The uses permitted on the Mining Site. (©)5/28/2019)
- d. A description of any conditions, terms, restrictions or other requirements determined to be necessary by the County or by any town, village, city or tribal government for the public health, safety and welfare of its residents. (©)5/28/2019)
- e. Town, village, city or tribal government to enable the development to proceed. (©)5/28/2019)
- f. The applicability or nonapplicability of any County, town, village, city or tribal government ordinances, approvals or resolutions. (©)5/28/2019)
- g. A provision for the amendment of the Local Agreement. (©)5/28/2019)
- h. Other provisions deemed reasonable and necessary by the parties to the Local Agreement. (©)5/28/2019)
- i. Any other terms set forth in this Ordinance that require inclusion in the Local Agreement, including the terms set forth in Section 13-1-25A(o)(5). (©)5/28/2019)
- (3) **Modification of Zoning Requirements.** Except for the requirements set forth in Sections 13-1-25A(i)(2), 13-1-25A(o)(5) and 13-1-25A(s)(6)(b), and except for a requirement that mining activity may take place only within the

M-M zoned district, a Local Agreement may modify, waive or alter the provisions of this Ordinance, the County Zoning Ordinance, and any other County regulations. Any Local Agreement/Mining Permit shall address the subjects of Sections 13-1-25A(p), 13-1-25A(q) and 13-1-25A(s); provided, however, the terms set forth in these Sections may be amended in a Local Agreement/Mining Permit if agreed to by the parties to the Local Agreement. In the event the terms of this Ordinance require specific votes or actions for such waiver, or amendment, waiver or amendment cannot occur absent such votes or specific action. (©)5/28/2019)

- (4) **Application.** An Applicant desiring to obtain a Local Agreement/Mining Permit shall follow the application requirements in Section 13-1-25A(k) and Section 13-1-25A(l). (©)5/28/2019)
- (5) **Negotiation.** The County Planning and Zoning Committee shall be the designated body to negotiate a Local Agreement on behalf of the County. The County Planning and Zoning Committee may consider input from any Local Committee convened pursuant to Wis. Stat. § 293.33 and Section 13-1-25A(h); however, the County Planning and Zoning Committee shall not be bound by any recommendations of the Local Committee or other local units of government when negotiating a Local Agreement. but should take local governments comments into consideration. (©)5/28/2019)
- (6) **Effective Date.** A Local Agreement/Mining Permit may not take effect until approved by the County Board as required in Wis. Stat. § 293.41(4) and Section 13-1-25A(o). (©)5/28/2019)
- (7) **Review and Decision Process.** An Application for a Local Agreement/Mining Permit shall follow the process set forth in Section 13-1-25A(o). (©)5/28/2019)
- (8) **Suspension or Revocation.** A Local Agreement/Mining Permit may be suspended or revoked as provided in the Local Agreement/Mining Permit. (©)5/28/2019)
- (j) **Conditional Use Permit.** (©)5/28/2019)
 - (1) **Conditional Use Permit as Mining Permit.** A Conditional Use Permit may be used as the basis to obtain a Mining Permit and shall be approved pursuant the terms set forth in Section 13-1-25A(n). (©)5/28/2019)
 - (2) **Application.** An Applicant desiring to obtain a Conditional Use Permit/Mining Permit shall follow the Application requirements in Section 13-1-25A(k) and Section 13-1-25A(l). (©)5/28/2019)
 - (3) **Review and Decision Process.** A Conditional Use Permit/Mining Permit Application shall follow the review and decision process set forth in Section 13-1-25A(n). (©)5/28/2019)

- (4) **Suspension or Revocation.** A Conditional Use Permit/Mining Permit may be suspended or revoked as provided in the Conditional Use Permit/Mining Permit and pursuant to Section 13-1-25A(s). (©)5/28/2019)
- (5) **Requirements in a Conditional Use Permit.** A Conditional Use Permit/Mining Permit shall include the information required in Section 13-1-25A(n) and any other conditions warranted within the County Planning and Zoning Committee's discretion, subject only to Section 13-1-25A(j)(6). (©)5/28/2019)
- (6) **Conditions.** A Conditional Use Permit/Mining Permit may contain any terms and conditions that the County Planning and Zoning Committee deems necessary, and as described in Section 13-1-25A(n)(5), in light of the Mining Operations and in response to the specific issues presented by the proposed Mining Operations, and that are: (©)5/28/2019)
- a. Within the jurisdiction of the County; (©)5/28/2019)
 - b. Not arbitrary or unreasonable; (©)5/28/2019)
 - c. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019)
 - d. Supported by substantial evidence; and (©)5/28/2019)
 - e. To the extent practicable, are measurable. (©)5/28/2019)
- (k) **Procedures For Applying For a Mining Permit.** (©)5/28/2019)
- (1) **Application.** An Application for a Mining Permit shall be filed with the County Planning and Zoning Administrator and shall include an electronic copy and 20 paper copies of the Application, including the required components set forth in this Section 13-1-25A(k) and Section 13-1-25A(l). The Application shall not be deemed complete until the Applicant has submitted, and the Zoning Administrator has accepted, all required portions of the Application as set forth in this Section 13-1-25A(k) and Section 13-1-25A(l), and as otherwise required by the County. (©)5/28/2019)
- (2) **Statement of Application for Conditional Use Permit/Mining Permit or Local Agreement/Mining Permit.** The Application shall specifically state whether the Applicant seeks a Mining Permit by virtue of approval as a Conditional Use Permit pursuant to Section 13-1-25A(n) of this Ordinance, or by virtue of approval of a Local Agreement pursuant to Section 13-1-25A(o). (©)5/28/2019)
- (3) **Review and Determination.** If the Applicant seeks a Conditional Use Permit/Mining Permit, review and decision on the Application shall occur pursuant to Section 13-1-25A(n). If the Applicant seeks a Local Agreement/Mining Permit, review and decision shall occur pursuant to Section 13-1-25A(o). (©)5/28/2019)

(l) **Mining Permit Application Requirements.** (©)5/28/2019)

(1) **General Requirements.** (©)5/28/2019)

- a. Any Applicant for a Mining Permit shall submit the information and Application fee required by this Section 13-1-25A(l) and the fees required in Section 13-1-25A(m) in order for the County to properly review the Application. (©)5/28/2019)
- b. The Applicant may provide the required Application information by reference to other documents submitted to another Government Body or Agency, including any information or documents submitted to a Local Committee as permitted pursuant to Wis. Stat. § 293.33. In cases of documentation by reference, the Applicant shall provide a copy of the referenced document and a specific cross-reference identifying where the information required by this Section 13-1-25A(l) is located in any referenced material. (©)5/28/2019)
- c. A non-refundable Application fee in the amount of \$5,000.00 for costs and expenses to commence the Application review process. The application fee may be increased to cover the amount of any additional costs, expenses, fees or other amounts which the County may incur to commence the Application review process if those amounts are reasonably known to the County at the time the Application is submitted. (©)5/28/2019)
- d. A Reimbursement Agreement and deposit, as described in Section 13-1-25A(m), including an acknowledgment that the Applicant shall be responsible for any costs or expenses incurred by the County in its review and determination of the Application, regardless of whether a Mining Permit is actually issued to the Applicant or Operator for the Mining Operations. (©)5/28/2019)
- e. If known at the time of Application, any applicable fees and any additional information that is provided to assist the Retained Experts with reviewing the Application on the County's behalf. (©)5/28/2019)
- f. The Application shall contain a statement, signed and notarized by the Applicant that includes all of the following: (©)5/28/2019)
 1. That the Applicant is duly authorized to bind itself, any Operator, and any Permittee to the conditions and provisions set forth in this Ordinance and in any Mining, Permit issued for the Mining Operations contemplated in the Application. (©)5/28/2019)
 2. That all statements, representations, documents and information which are set forth in or accompany the

Application are true, correct, accurate and complete.
(©)5/28/2019)

3. That the Applicant, Operator and Permittee, while engaged in metallic mining activities and in reclamation activities, agree to abide by all of the provisions and requirements of its Mining Permit, this Ordinance, and all other Applicable Laws and Regulations. (©)5/28/2019)
4. That the Applicant's representations and statements made in the Application shall continue to exist and survive after a Mining Permit is issued to the Applicant by the County, and that the Applicant is duly authorized to bind itself, any Operator, and any Permittee for future compliance with the terms of the Mining Permit. (©)5/28/2019)
5. That the Applicant grants permission and consent to the County, its officers, employees, agents, consultants, contractors and representatives to enter the real property subject to the Application and the anticipated Mining Site for purposes of inspecting, measuring, observing and any other verification that the information contained in the Application is true and correct. (©)5/28/2019)

(2) **Ownership Information and Operator Information.** (©)5/28/2019)

- a. The name, address, phone number, and email address of the Applicant. (©)5/28/2019)
- b. The name, address, phone number and email address of the Operator. (©)5/28/2019)
- c. The name, address, phone number, and email address of all owners or lessors of the land on which the Mining Operation will occur. (©)5/28/2019)
- d. If the Applicant is not an individual but is a corporation, partnership, limited partnership, limited liability company or other entity: (©)5/28/2019)
 1. The name and address of each director, partner or member of the Applicant. (©)5/28/2019)
 2. The name, address and position held by each officer or member of the Applicant. (©)5/28/2019)
 3. A list of the Applicant's, or any Affiliate of the Applicant, experience in mine projects, a list of current mine projects and the status of compliance at each project site. (©)5/28/2019)

- e. Proof that all local taxes, special charges, special assessments, fees, and forfeitures (and any interest or penalties thereon) owed by the landowner and/or Operator of the proposed Mining Site are current. (©)5/28/2019
- f. If the Operator is not an individual but is a corporation, partnership, limited partnership, limited liability company or other entity: (©)5/28/2019
 - 1. The name and address of each director, partner, or member of the Operator. (©)5/28/2019
 - 2. The name and address and position held by each officer or member of the Operator. (©)5/28/2019
 - 3. A list of the Operator's, or any Affiliate of the Operator, experience in mine projects, a list of current mine projects and the status of compliance at each project site. (©)5/28/2019

(3) Site Information and Maps. (©)5/28/2019

- a. As to each parcel of real estate which is to be a part of the proposed Mining Site and included in the use of any Mining Operation: (©)5/28/2019
 - 1. The legal description of the parcel. (©)5/28/2019
 - 2. The name, address and telephone number of each owner of an interest in the parcel along with a statement of the interest in that parcel held by that owner. (©)5/28/2019
 - 3. The tax parcel identification number of the parcel. (©)5/28/2019
 - 4. A statement as to what structures, improvements and roadways will be situated on such parcel. (©)5/28/2019
 - 5. How such parcel will be used as part of the Mining Operation. (©)5/28/2019
 - 6. If the parcel is subject to a lease, the parties to such lease should be identified and a summary of its terms should be stated. (©)5/28/2019
 - 7. A description of any utilities (public or private) or transportation facilities on the parcel. (©)5/28/2019
 - 8. A description of any buildings or existing structures that will be removed to accommodate any Mining Operations. (©)5/28/2019

- b. Any planned assemblage of parcels for any portion of the Mining Site or to be used as part of the Mining Operation. (©)5/28/2019
- c. Any other anticipated County or other Government Body or Agency land use approvals necessary to commence Mining Operations. (©)5/28/2019
- d. Approximate dates that Mine construction or other preliminary work on the Mining Site is expected to begin, when Mining Operations will commence, and when Mining Operations are anticipated to end. (©)5/28/2019
- e. The Applicant's best estimate and explanation of the life expectancy of the Mine. (©)5/28/2019
- f. A list of all minerals and materials to be extracted from the Mining Site. This should include, but not be limited to, amounts of non-metallic and metallic materials to be extracted. (©)5/28/2019
- g. Survey maps and parcel identification numbers of all contiguous parcels owned by the same landowner/lessor on which the Mining Operation will be located and any additional contiguous parcels on which the landowner/lessor has secured a right of first refusal. (©)5/28/2019
- h. An aerial photo of the proposed site at a scale of not less than 1-inch equals 660 feet. (©)5/28/2019
- i. A topographic map of the Mining Site extending one mile beyond the Mining Site boundaries at contour intervals no wider than 10 feet showing the boundaries of the Mining Site, the location and total acreage of the Mining Site, and the name of all roads within one mile of the Mining Site. (©)5/28/2019
- j. A site plan for the Mining Site showing the location of all existing and proposed buildings and other structures, equipment, stockpiles, storage and parking areas, road access points, driveways, and Buffer Areas along bordering properties and public roads. (©)5/28/2019
- k. A plan for staking or marking the borders of the entire Mining Site and for securing the Mining Site by appropriate measures, which may include fencing or alternative measures consistent with Mine safety and security and in accordance with all Applicable Laws and Regulations. (©)5/28/2019
- l. A map on which all residential, agricultural and municipal wells within one mile of the boundaries of the Mining Site in all directions are marked and given a numerical identification of the location. (©)5/28/2019

- m. The location and name of all surface waters, including, but not limited to, lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns, and other water features on the site and within one mile of the Mining Site. (©)5/28/2019
 - n. A description of the distribution, depth and type of topsoil for the Mining Site. The description shall include the geological composition, depth and width of the metallic deposit, and the location of slopes greater than 20% and highly erodible soils. (©)5/28/2019
 - o. A map identifying the location of all other non-contiguous sites within the County or adjacent towns, cities, or villages, if any, that will contribute material to the Mining Operation. (©)5/28/2019
- (4) **Operation Plan.** The Application shall include a written narrative description of the Mining Operation in sufficient detail to allow the County and the public to understand and assess the size and scope of the proposed Mining Operation and potential impacts of the Mining Operation on public health, safety, convenience and general well-being within the County. The operation plan is intended to provide the information necessary to determine what information and conditions shall be set forth in the Mining Permit. Each part of the operation plan shall be prepared and verified by an appropriate professional expert in the field described in the operation plan. The operation plan shall include a description of all significant aspects of the proposed Mining Operation, including, but not limited to, the following: (©)5/28/2019
- a. A summary of planned facilities for excavating, extracting, mining, milling, ore-processing, transportation, tailings disposal, other waste disposal, sedimentation, settling, retention and detention ponds, office buildings and other structures, roads, railroad lines and utilities and the proposed location of each. (©)5/28/2019
 - b. Maps showing the maximum lateral extent and minimum and maximum depth of underground or open pit workings and the location of primary shafts, tunnels and other primary underground workings. Any map submitted to satisfy this requirement shall be updated on an annual basis. (©)5/28/2019
 - c. An estimate of the maximum number of people directly employed at the mine site during each phase and an estimated breakdown by job classification of all such employees, where such employees will park their vehicles, eat, and what facilities are available for their use. (©)5/28/2019
 - d. Types of Mining equipment to be used. (©)5/28/2019

- e. Plans for visual screening of mining activities around the perimeter of the Mining Site and on the sides of any public highway. (©)5/28/2019)
- f. Plans for lighting on site and measures to limit light pollution, including a description and analysis of the ambient noise audible in half-mile increments within a five-mile radius of the proposed Mining Site. (©)5/28/2019)
- g. Radiation levels anticipated in waste rock. (©)5/28/2019)
- h. A plan describing the methods for preventing access to all underground Mine workings after Mine closure. (©)5/28/2019)
- i. Dates of the planned commencement and cessation of the Mining Operation. (©)5/28/2019)
- j. Description of hours of any Mining Operation on any portion of the Mining Site, including all times when any vehicles will enter or leave any portion of the Mine Site. (©)5/28/2019)
- k. Description of mining methods, machinery and equipment to be used for extraction and processing of the extracted material, and the sequence of operations. (©)5/28/2019)
- l. Estimated volume of material to be extracted over the life of the Mine and for the next calendar year. (©)5/28/2019)
- m. Identification of all proposed off-site trucking routes, if any, together with the frequency of traffic and the common schedule of travel to be used for transporting extracted materials or products to or from the Mining Site; a description of the types of vehicles to be used on public roads and their respective weights, lengths, widths, axle numbers and spacing, and ESAL ratings both when empty and legally loaded; an assessment, which shall include core sampling, of the adequacy of roads within proposed off-site trucking routes and a description of any proposed alterations or improvements to such roads; and a description of any traffic control or other measures needed to protect public safety. (©)5/28/2019)
- n. A water budget, including an estimate of the amount of daily water use, water sources, and methods for disposing of water used or falling on the Mining Site, including, but not limited to, methods used for infiltration and control of run-off. (©)5/28/2019)
- o. A listing of any hazardous materials, including, but not limited to, stored or operational fuel supplies that will be used or located on the Mining Site and a description of measures to be used for securing and storing these materials. The operation plan shall also include a written plan for the use of any hazardous materials at the

Mining Site and procedures for responding to spills of these materials and fuels on the Mining Site and the frequency of regular drills for responding to spills on the Mining Site. (©)5/28/2019)

- p. An erosion control plan, which shall describe what the Operator will do to prevent material from the Mining Site from eroding, migrating or moving onto neighboring properties or into other areas off the Mining Site. (©)5/28/2019)
- q. A plan to control particles, which shall describe what the Operator will do to prevent/limit/minimize the volume of particles entering onto neighboring properties from the Mining Site and from vehicles and equipment engaged in the Mining Operation. (©)5/28/2019)
- r. A noise plan, which shall describe what the Operator will do to keep the noise from Mining Operations below the decibel limits set forth in Section 13-1-25A(p)(6). (©)5/28/2019)
- s. A blasting plan, which shall describe under what circumstances blasting will be used, what type and volume of explosives which will be used, with what frequency blasting will occur, between what hours blasting will occur, and what steps the Operator will undertake to minimize the effects of the noise and vibration from blasting on neighboring properties and the public. (©)5/28/2019)
- t. A tailings and waste products plan, which shall set forth what projected volume of tailings or other waste products or materials will be generated each year, an indication of on what parcels of land such tailings and waste materials will be situated, how the tailings and waste products will be moved, and what steps the Operator will undertake to minimize the amount of particulate matter entering on neighboring properties or other areas outside of the Mining Site. This plan shall address specifically what the Operator will do if the Mining Operations encounter radioactive materials, radon, or other hazardous substances or materials. (©)5/28/2019)
- u. A utilities plan, which shall describe the public utility and public service requirements for the Mining Operation and describe the manner in which all utility services will be provided at the Mining Site and the potential system upgrades which the Mining Operation may require. (©)5/28/2019)
- v. A roadway and traffic analysis of all reasonably foreseeable roadway needs arising in the County due to the Mining Operations and reasonably foreseeable secondary impacts of the Mining Operation which may result in the demand for additional roadway improvements. With respect to roads in the County, the analysis shall identify and describe the anticipated needs for roadway modifications resulting from the likely mine-related traffic impacts,

including both primary and secondary impacts, and shall fully describe the existing reasonably foreseeable mine-related changes to traffic patterns, traffic volume, the class of roadways associated with those patterns, and any load-related needs and restrictions. Such analysis shall set forth in detail exactly what the Operator will do in the event of any damage or destruction to public roads, highways and bridges, or other infrastructure, as well as private roads, bridges and infrastructure, resulting from Mining Operations or activities affiliated with the Mining Operations, whether conducted on the Mining Site or off the Mining Site. (©)5/28/2019)

- w. A fencing plan with a diagram depicting and describing where perimeter fencing will be installed and maintained to prevent injury to persons and animals from entry onto the Mining Site. (©)5/28/2019)
- x. A County impact summary report, which shall include a thorough narrative description of the Mining Operations in sufficient detail to allow the County to assess probable physical, environmental and developmental impacts of the proposed Mining Operations, and assess and summarize the potential and estimated impacts on the human health, safety and welfare of residents of the County, based on the potential environmental, socioeconomic and other impacts of the proposed Mining Operation. The report shall include, but shall not be limited to, the likely and potential impacts of the proposed Mining Operations with respect to each of the following baselines: (©)5/28/2019)
 - 1. A life-of-mine analysis of impacts upon social and environmental baseline parameters through completion of reclamation, including any impact market conditions may have on Mining Operations. (©)5/28/2019)
 - 2. A traffic impact analysis that discusses all reasonably foreseeable roadway construction and maintenance needs arising in the County from the proposed Mining Operation and reasonably foreseeable secondary impacts of the Mining Operation that may result in the demand for additional roadway or other infrastructure improvements, repairs or additional maintenance needed as a result of the Mining Operations, including a description of the anticipated needs for roadway modifications resulting from the Mining Operations, both primary and secondary, and shall fully describe the existing reasonably foreseeable changes to traffic patterns, traffic volume, the class of roadways associated with those patterns, and any load-related needs and restrictions. (©)5/28/2019)
 - 3. The impacts of Mining Operations on employment, economic activity and tax base within the County. (©)5/28/2019)

4. The impacts of Mining Operations on the County's population and housing stock, including the availability of such housing stock. (©)5/28/2019
 5. The impacts of the Mining Operations on the need for additional government services, including, but not limited to, infrastructure, utilities, schools, fire protection, emergency medical services, and police. (©)5/28/2019
 6. The expected changes in land use within the County, including the percentage of lands devoted to each use currently and in the future environmental impacts resulting from Mining Operations. (©)5/28/2019
 7. A description of the current environmental characteristics of the Mining Site, including wildlife, vegetation and physical parameters of groundwater quality and quantity, and surface water quality and quantity, including wetlands as compared to the same environmental characteristics after the Mining Operations commence. (©)5/28/2019
 8. A description of the topographical and aesthetic features of the proposed Mining Site, including other geographical vegetative conditions. (©)5/28/2019
 9. A description of the cultural features of the proposed Mining Site, including, but not limited to, an inventory and analysis of all historical and cultural sites and landmarks. (©)5/28/2019
- y. Copies of other submittal or application documents for the Mining Operation to any other Government Body or Agency. (©)5/28/2019
- z. Copies of Approvals from any Government Body or Agency for the Mining Operation. (©)5/28/2019
- aa. Any other information deemed necessary by the County in order for the County to make an informed and educated decision on the Application and to determine any appropriate conditions or terms to be set forth in the Mining Permit. (©)5/28/2019
- (m) **Reimbursement Agreement, Administration Deposit, Fees and Costs**
(©)5/28/2019
- (1) **This Section 13-1-25A(m) is not intended to generate excess revenues** for the County's use for purposes not related to an Application or any Mining Operation, but the County, and hence its taxpayers, shall not be required to bear the financial burden and obligations associated with the costs and expenses the County incurs in connection with an Application or any Mining Operations. To that end, this Section 13-1-25A(m) provides that the Applicant shall be responsible for reimbursement

of all costs and expenses incurred by the County in connection with the Application. (©)5/28/2019)

- (2) **At the time an Application is filed with the County Planning and Zoning Administrator**, the Applicant shall execute for the benefit of the County a Reimbursement Agreement, which shall require the Applicant and any other Person associated with the proposed Mining Operation to pay any costs or expenses incurred by the County in its review and determination of the Application, and provide adequate security guaranteeing payment of the cost of the investigation, review and processing of the Application, including, but not limited to, Retained Expert fees, attorneys' fees, administrative costs, expenses of disseminating information to the public, expenses incurred to conduct required public hearings, and other matters compelled by the need to review and respond to the Application as provided by this Ordinance. The Reimbursement Agreement shall require the Applicant and any other Person associated with the Mining Operations to be responsible for payment of any costs or expenses incurred by the County in its review and determination of the Application, regardless of whether a Mining Permit is actually issued to the Applicant or Operator for the Mining Operations. The Reimbursement Agreement shall also detail the Operator and Permittee's ongoing obligation and responsibility for payment of any costs and expenses incurred by the County in connection with the Mining Permit, including, but not limited to, costs of Retained Experts to ensure ongoing compliance with the Mining Permit. (©)5/28/2019)
- (3) **The Applicant shall initially deposit \$50,000.00 with the County to be deposited in an administrative fee account for Application** and proposed Mining Operations so such funds are available to be withdrawn by the County and used to reimburse the County for the costs and expenses the County incurs in connection with Application review and Mining Operations. If the initial deposit of \$50,000.00 falls below \$25,000.00, the County will notify the Applicant or Operator and the Applicant or Operator will make an additional deposit into such administrative fee account within 15 days of receipt of such notice so that the remaining balance in the administrative fee account never remains below \$25,000.00 for more than 15 days. (©)5/28/2019)
- (4) **The Applicant shall be responsible for all costs and expenses incurred by the County as a result of the Application and request for a Mining Permit**, whether such costs and expenses are incurred before or after the actual Application filing. Actual costs may include, but are not limited to, Retained Expert Fees, County staff time, travel expenses, professional fees, review fees, and equipment and material costs. Such costs shall not exceed those which are reasonably charged for the same or similar services by licensed professionals of the type retained. (©)5/28/2019)
- (5) **The County shall use standard cost and time accounting practices to document its time and expenses** in performing any work and purchasing

any equipment and services that will be billed to the Applicant. The Applicant may review the accounting records upon written request at least five (5) business days in advance to the County Planning and Zoning Administrator or its designee. (©)5/28/2019)

- (6) **Costs and expenses** the County incurs under this Section 13-1-25A(m) shall be billed to the Applicant for reimbursement to the County on a monthly basis and shall be deducted from the initial deposit amount set forth in Section 13-1-25A(m)(3) within 30 days of such billing. The County may elect to have any costs and expenses billed directly to the Applicant by any Retained Expert or other party performing services on behalf of the County in reviewing the Application. Should the initial deposit fail to cover any costs and expenses, and the Applicant fails or refuses to pay costs within 30 days upon request or demand from the County, the County may stop processing the Application and deny any Mining Permit that has not been issued. A Mining Permit shall not be issued until any fees or actual costs incurred by the County prior to issuance have been paid in full. (©)5/28/2019)
- (7) If an Applicant withdraws its Application at any time after the Application is submitted to the County, all fees and charges assessed for work to that point in time by the County shall be paid by the Applicant. Any balance remaining of the deposit, after the payment of all fees and charges incurred by the County, shall be refunded to the Applicant. (©)5/28/2019)
- (n) **Review Process for Conditional Use Permit/Mining Permit Applications**
(©)5/28/2019)
- (1) **Application for Conditional Use Permit/Mining Permit.** The process set forth in this Section 13-1-25A(n) shall apply to an Application that requests the grant of a Conditional Use Permit/Mining Permit. (©)5/28/2019)
- (2) **Initial Review.** Upon receipt of a Conditional Use Permit/Mining Permit Application, the County Planning and Zoning Administrator shall complete an initial review to determine if additional information or expertise is necessary to properly evaluate the Application. The County Planning and Zoning Administrator's acceptance of an Application does not render the Application complete. The County Planning and Zoning Administrator may retain the services of Retained Experts to assist in determining whether the Application is complete and complies with the requirements of this Ordinance and other applicable County regulations and all other Applicable Laws and Regulations, as applicable and as determined by appropriate State and federal authorities on matters relating to State and federal law and regulation. (©)5/28/2019)
- (3) **Notice of Receipt.** Within 30 days of receipt of the complete Application, the County Clerk shall also publish or post a class 2 notice under Wis. Stat. Chapter 985 indicating that the Application has been filed and transmitted to the County Planning and Zoning Committee. A copy of the Application shall be made available for public review. (©)5/28/2019)

- (4) **Additional Information.** The County Planning and Zoning Committee may request the Applicant to submit additional information if the County Planning and Zoning Committee determines that the Application is incomplete, or if the County Planning and Zoning Committee determines that additional information is needed to determine whether the proposed Mining Operation will meet the applicable standards. The County Planning and Zoning Committee may also retain the services of Retained Experts to review the Application and report to the County Planning and Zoning Committee whether additional information is required for review of the Application and to determine whether the proposed Mining Operations meet the applicable standards. The County Planning and Zoning Committee shall make a determination regarding the need for additional information or expertise within 90 days after receiving the Application, which time period may be extended for a period of time up to an additional 90 days in the County Planning and Zoning Committee's sole and absolute discretion. If the County Planning and Zoning Committee determines that no additional information or expertise is necessary, the Application shall be deemed complete. (©)5/28/2019)
- (5) **Conditions.** The County Planning and Zoning Committee may place conditions of approval upon the Conditional Use Permit/Mining Permit based on the following considerations or addressing the following concerns: (©)5/28/2019)
- a. Any minimum operational standards for the Mining Operations, as set forth in Section 13-1-25A(p). (©)5/28/2019)
 - b. Any reporting requirements, as set forth in Section 13-1-25A(q). (©)5/28/2019)
 - c. Any change in operation requirements, as set forth in Section 13-1-25A(r). (©)5/28/2019)
 - d. Any notification requirements regarding other Government Body or Agency reports, conditions, approvals or actions. (©)5/28/2019)
 - e. Any notification requirements regarding notices or violations issued by any other Government Body or Agency. (©)5/28/2019)
 - f. Reimbursement of all County costs and expenses as described in Section 13-1-25A(m) or as may otherwise be incurred. (©)5/28/2019)
 - g. Duration or phasing of the Conditional Use Permit/Mining Permit. (©)5/28/2019)
 - h. Any conditions to address concerns of adverse effects of the Mining Operations as set forth in Section 13-1-25A(b)(1)(c). (©)5/28/2019)

- i. Any conditions, requirements or restrictions related to employment and economic improvement as a result of the Mining Operations. (©)5/28/2019
 - j. Any other conditions that the County Planning and Zoning Committee may deem reasonable and necessary and that are: (©)5/28/2019
 1. Within the jurisdiction of the County; (©)5/28/2019
 2. Not arbitrary or unreasonable; (©)5/28/2019
 3. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019
 4. Supported by substantial evidence; and (©)5/28/2019
 5. To the extent practicable, are measurable. (©)5/28/2019
- (6) **Retained Expert Findings.** To the extent practical and within the area of expertise of a Retained Expert, a Retained Expert shall provide a written verification that any conditions imposed by the County Planning and Zoning Committee are related to the purpose of this Ordinance and are based upon facts and information that would support the imposition of the condition. (©)5/28/2019
- (7) **Public Hearing and Determination by County Planning and Zoning Committee.** Within 120 days of receipt of the complete Application, the County Planning and Zoning Committee shall hold a public hearing on the Application following a class 2 notice under Wis. Stat. Chapter 985. Within 180 days of receipt of the complete Application, and any additional information requested by the County Planning and Zoning Committee, and following the public hearing (which may be adjourned from time to time in the County Planning and Zoning Committee's sole and absolute discretion) the County Planning and Zoning Committee shall make findings of fact and determination of whether to grant the Application's request for a Conditional Use Permit/Mining Permit, or deny the Application's request for a Conditional Use Permit/Mining Permit. (©)5/28/2019
- (8) **Approval and Issuance of Mining Permit.** Upon the County Planning and Zoning Committee's approval of the Application's request for a Conditional Use Permit/Mining Permit, the approved Conditional Use Permit shall be deemed the Mining Permit. (©)5/28/2019
- (9) **Remedies on Denial.** If the County Planning and Zoning Committee denies the Conditional Use Permit/Mining Permit request, an Applicant may exercise any remedies available under the County's ordinances or at law, including, but not limited to, an appeal to the County's board of adjustment pursuant to Wis. Stat. § 59.694(4). The County's board of adjustment shall apply the common law certiorari standard of review in

rendering its decision and may elect to accept additional evidence, within the board of adjustment's discretion. In addition, the Applicant may re-submit its Application in accordance with this Ordinance, and re-submittal shall constitute an Application in conformance with all provisions of this Ordinance, provided that any differences between the original Application and the new Application shall be summarized by the Applicant in a document entitled "Explanation of Reasons for Re-Submittal." An Application received by re-submittal may be denied for any reason that any original Application may be denied. (©)5/28/2019)

(o) **Review and Approval Process for Local Agreement/Mining Permit** (©)5/28/2019)

- (1) **Application for Mining Permit by Local Agreement.** The process set forth in this Section 13-1-25A(n) shall apply to an Application that requests the grant of a Mining Permit by virtue of the County Board's approving and adopting a Local Agreement pursuant to Wis. Stat. § 293.41. (©)5/28/2019)
- (2) **Initial Review.** Upon receipt of an Application for Local Agreement/Mining Permit, the County Planning and Zoning Administrator shall complete an initial review to determine if additional information or expertise is necessary to properly evaluate the Application. The County Planning and Zoning Administrator's acceptance of an Application does not render the Application complete. The County Planning and Zoning Administrator may retain the services of Retained Experts to assist in determining whether the Application is complete and complies with the requirements of this Ordinance and other applicable County regulations. (©)5/28/2019)
- (3) **Notice of Receipt.** Within 30 days of receipt of the complete Application, the County Clerk shall also publish or post a class 2 notice under Wis. Stat. Chapter 985 indicating that the Application has been filed and transmitted to the County Planning and Zoning Committee. A copy of the Application shall be made available for public review. (©)5/28/2019)
- (4) **Additional Information.** The County Planning and Zoning Committee may request the Applicant submit additional information if the County Planning and Zoning Committee determines that the Application is incomplete, or if the County Planning and Zoning Committee determines that additional information is needed to determine whether the proposed Mining Operation will meet the applicable standards. The County Planning and Zoning Committee may also retain the services of Retained Experts to review the Application and report to the County Planning and Zoning Committee whether additional information is required for review of the Application and to determine whether the proposed Mining Operations meet the applicable standards. The County Planning and Zoning Committee shall make a determination regarding the need for additional information or expertise within 90 days after receiving the Application. If no additional information or expertise is deemed necessary, the Application shall be deemed complete. The County Planning and Zoning Committee is designated as the sole and exclusive agent of the County Board in relation

to the negotiation of a Local Agreement. When an Application is deemed complete, the County Planning and Zoning Committee shall establish dates and locations for meetings to negotiate a Local Agreement. (©)5/28/2019

- (5) **Requirements in a Local Agreement.** A Local Agreement shall include the following information and terms: (©)5/28/2019
- a. The requirements set forth in Wis. Stat. § 293.41(2) and in Sections 13-1-25A(i)(2), 13-1-25A(i)(3) and 13-1-25A(s)(6)(b). Minimum operation standards such as those set forth in Section 13-1-25A(p). (©)5/28/2019
 - b. Reporting requirements such as those set forth in Section 13-1-25A(q). (©)5/28/2019
 - c. Change in operation requirements such as those set forth in Section 13-1-25A(r). (©)5/28/2019
 - d. Inspection, enforcement, procedures and penalties such as those set forth in Section 13-1-25A(s), including a forfeiture schedule. The County Board may delegate its enforcement powers under the Local Agreement to the County Planning and Zoning Committee. Section 13-1-25A(s)(6)(b) may not be modified in a Local Agreement/Mining Permit. (©)5/28/2019
 - e. The process of reimbursement of all County expenses incurred as a result of the Application review process and the negotiation process of the Local Agreement. (©)5/28/2019
 - f. Other consideration for impacts of a Mining Operation paid to the County or other units of government. (©)5/28/2019
- (6) **Optional Contents of Local Agreement.** The County Planning and Zoning Committee may consider the specific provisions in the Local Agreement related to the following, without limitation: (©)5/28/2019
- a. Any conditions, requirements or restrictions needed to adequately address concerns of adverse effects of the Mining Operations as set forth in Section 13-1-25A(b)(1)(c). (©)5/28/2019
 - b. Any conditions, requirements or restrictions needed to adequately address concerns of specific environmental impacts and effects on natural resources, whether those natural resources are located entirely within the County or partially within the County. (©)5/28/2019
 - c. Any conditions, requirements or restrictions related to employment and economic improvement as a result of the Mining Operations. (©)5/28/2019

- d. Any notification requirements regarding other Government Body or Agency reports, conditions, approvals or actions, including notifications to the Operator for mining operations located outside of the County. (©)5/28/2019
 - e. Any notification requirements regarding notices or violations issued by any other Government Body or Agency. (©)5/28/2019
 - f. Requirements to minimize the impact of Mining Operations on roads, bridges or other transportation infrastructure. (©)5/28/2019
 - g. Reimbursement of all County costs and expenses incurred by the County, its agents and any Retained Experts in the review and negotiation of the Local Agreement and in the review and determination of whether to issue the Local Agreement/Mining Permit. (©)5/28/2019
 - h. Duration or phasing of the Local Agreement/Mining Permit. (©)5/28/2019
 - i. Any recommendations or information provided by the Local Committee, other Government Body or Agency, or relating to other Applicable Laws and Regulations. (©)5/28/2019
 - j. Any other conditions that the County Planning and Zoning Committee may deem reasonable and necessary. (©)5/28/2019
- (7) **Modification of Zoning Ordinance Requirements.** Except for the requirements set forth in Sections 13-1-25A(i)(2), 13-1-25A(i)(3), and 13-1-25A(s)(6)(b), a Local Agreement may modify, waive or alter the provisions of this Ordinance and any other County regulations; provided, however, that if the terms of this Ordinance require specific votes or specific action for such waiver, waiver cannot occur absent such votes or specific action. (©)5/28/2019
- (8) **Recommendation to the County Board.** Upon completion of negotiations, the County Planning and Zoning Committee shall either recommend that the County Board grant the Application's request for approval of the Local Agreement/Mining Permit or recommend that the County Board deny the Application's request for approval of the Local Agreement/Mining Permit. The County Planning and Zoning Committee's recommendation shall not be binding upon the County Board. (©)5/28/2019
- (9) **Decision by the County Board.** (©)5/28/2019
- a. Notice and Hearing. Upon recommendation by the County Planning and Zoning Committee, the County Clerk shall place the County Planning and Zoning Committee's recommendation on the agenda for the next regular meeting of the County Board. At that meeting, the County Board shall set a date for a public hearing. At least 15

days prior to the public hearing, the County Clerk shall publish or post a class 2 notice under Wis. Stat. Chapter 985. At the public hearing, the County Board shall take public comment on the Application and proposed Local Agreement/Mining Permit. (©)5/28/2019)

- b. **County Board Decision.** Within 30 days following the public hearing, the County Chairperson shall set a date for a County Board meeting to consider a final decision on the Application and Local Agreement/Mining Permit. At that meeting, the County Board shall review the complete Application, any Local Committee reports or information, any reports or information from other units of government or parties that participated in the Local Committee or may be party to the Local Agreement, any Retained Experts' reports, public comments made, and information provided at the public hearing, and any other information deemed necessary by the County Board. Consideration of the Local Agreement/Mining Permit may be adjourned from time to time as the County Board may determine in its sole and absolute discretion. (©)5/28/2019)
- c. **Approval and Issuance of Mining Permit.** Upon the County Board's approval of the Application for Local Agreement/Mining Permit and adoption of the Local Agreement, the Local Agreement shall be deemed the Mining Permit. (©)5/28/2019)
- d. **Effective Date.** A Local Agreement/Mining Permit shall be effective after all of the County Board, and the governing body of any other county, town, village, city or tribal government which is identified as a party to the Local Agreement approve the Agreement in a public meeting. (©)5/28/2019)
- e. **Remedies on Denial.** If the County Board fails to approve the Local Agreement/Mining Permit, an Applicant may re-submit its Application in accordance with this Ordinance, and re-submittal shall constitute an Application in conformance with all provisions of this Ordinance, provided that any differences between the original Application and the new Application shall be summarized by the Applicant in a document entitled "Explanation of Reasons for Re-Submittal." An Application received by re-submittal may be denied for any reason that any original Application may be denied. (©)5/28/2019)
- f. **Recording.** Upon approval of a Local Agreement/Mining Permit, the County Clerk shall record a copy of the Local Agreement/Mining Permit against any parcel of real property upon which the Mining Site sits or is used as part of the Mining Operation. The Applicant shall secure all required approvals and permissions to record the Local Agreement/Mining Permit from the necessary property owners in order to comply with this Section 13-1-25A(o)(9)(f). (©)5/28/2019)

(p) **Minimum Operational Standards Applicable to All Mining Permits** (©)5/28/2019

- (1) **The standards set forth in this Section 13-1-25A(p) shall be considered as conditions in a Conditional Use Permit/Mining Permit or as the foundation of negotiations in developing the terms of a Local Agreement/Mining Permit.** The standards set forth in Section 13-1-25A(p) shall be deemed the minimum operational standards and no Mining Permit may allow standards below those set forth in this Section 13-1-25A(p) unless set forth otherwise in a Local Agreement. (©)5/28/2019
- (2) **General Standards.** (©)5/28/2019
- a. The borders of the entire Mining Site will be appropriately staked or marked, and the Mining Site will be secured by appropriate measures which may include fencing or other alternative measures consistent with mine safety and security as set forth by any Government Body or Agency. (©)5/28/2019
 - b. The Operator shall demonstrate to the satisfaction of the County that all other Applicable Laws and Regulations of any Government Body or Agency required for the Mining Operation have been or will be obtained prior to commencement of any Mining Operation. The Applicant shall also deliver copies of any applications, notices, reports, approvals or waivers from any Government Body or Agency regarding the Mining Operations' compliance with Applicable Laws and Regulations prior to commencing any Mining Operations. (©)5/28/2019
 - c. The Operator shall provide proof that it has provided the financial assurances as required under Wis. Stat. Chapter 293 or any other Applicable Laws and Regulations. (©)5/28/2019
 - d. The Operator shall agree to comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Mining Operations. (©)5/28/2019
- (3) **Buffer Areas.** The Operator shall provide a Buffer Area from the boundaries of the Mining Site to protect bordering properties from noise, dust, lighting, odors, blasting and other adverse impacts of the Mining Operation along bordering property lines and public roadways. (©)5/28/2019
- a. The Buffer Area shall provide a setback of one mile from the Mining Site to the property line of any adjacent property owner unless a landowner consents to a lesser distance, but not less than 2000 feet. If consent is provided for a lesser distance, a copy of such consent agreement shall be recorded against the property at the register of deeds office for the county in which the land is located and a copy of the agreement shall be provided to the County Clerk. (©)5/28/2019

- b. The Buffer Area shall provide a setback of one-half mile from the Mining Site to any school, medical facility, nursing home, or community based residential facility. (©)5/28/2019
 - c. The Operator shall screen the Mining Operations from public view. Screening may be achieved through the use of berms, additional setbacks or other measures deemed adequate by the County Planning and Zoning Committee and the County Board. (©)5/28/2019
- (4) **Hours of Operation.** The Operator shall limit normal hours of operations at the Mining Site to 9 hours a day Monday through Friday not earlier than 7:00 a.m. and not later than 8:00 p.m. and on Saturday not earlier than 8:00 a.m. and not later than noon, to avoid substantial or undue impacts on neighboring properties and County residents. During any Mining Operations occurring after sunset, the Operator shall use white noise or lighted backup alarms on equipment. Operations on-site shall not occur on Sundays or legal holidays. (©)5/28/2019
- (5) **Control of Light.** The Operator shall limit night lighting on a Mining Site to that which is minimally necessary for security and worker safety. Every effort consistent with the legal requirements for safety shall be made to minimize illumination of the night sky and neighboring properties. At a minimum such measures shall include the following: (©)5/28/2019
- a. The use of full cutoff shrouds on all lights. (©)5/28/2019
 - b. Portable lighting shall be used only as necessary to illuminate temporary work areas. (©)5/28/2019
 - c. The use of berms of sufficient height coupled with other methods of visual screening to block light from the Mining Site to neighboring properties. (©)5/28/2019
 - d. The design and location of access roads, driveways and other access points to the Mining Site to minimize lights from traffic and operations to neighboring properties. (©)5/28/2019
- (6) **Control of Noise.** (©)5/28/2019
- a. The Operator shall control off-site noise levels to avoid adverse impacts to neighboring landowners. The noise levels at the boundaries of the mining or processing site shall not exceed 65 dB. The noise levels at the boundaries of any school, medical facility, nursing home, or community based residential facility shall not exceed 60 dB. Decibels shall be based on dB(A), which is the unit of sound level expressed in decibels (dB) and A-weighted as described in ANSI § 1.4-1983 and shall be measured in accordance with accepted protocols. (©)5/28/2019

- b. Noise levels shall be monitored at the Mining Site's property boundary by an independent testing company. The tests shall occur for a 10-day period at least once per quarter. The results shall be reported to the County within 30 days of the last test result. (©)5/28/2019
- (7) **Blasting Requirements.** In addition to all other applicable provisions of this Ordinance and any other Applicable Laws or Regulations, the Operator shall comply with the following requirements when engaging in any blasting activity as part of the Mining Operations: (©)5/28/2019
- a. Blasting may only occur between the hours of 10:00 a.m. and 2:00 p.m., Monday through Friday. Blasting may not occur on weekends or outside of the hours set forth herein. (©)5/28/2019
- b. No later than 30 days prior to blasting, the Operator shall provide written notice of its intended blasting to the County Administrator and to each property owner whose property is located within two miles of the perimeter of the Mining Site. (©)5/28/2019
- c. The Zoning Administrator, either upon request of an impacted landowner or by the Zoning Administrator's discretion, may require that any structure lying within a two-mile radius of the perimeter of the Mining Site be surveyed by an independent third party, the cost of which shall be paid by the Operator, prior to any blasting activities on the Mining Site. The Zoning Administrator, either upon request of an impacted landowner or by the Zoning Administrator's discretion, may require that any structure lying within a two-mile radius of the perimeter of the Mining Site be surveyed by an independent third party, the cost of which shall be paid by the Operator, after any blasting activities on the Mining Site to determine whether the blasting activities caused property damage to any structures or other property within the two-mile radius of the perimeter of the Mining Site. (©)5/28/2019
- d. The Operator shall comply with all Applicable Laws and Regulations when conducting blasting activities. (©)5/28/2019
- (8) **Well Monitoring and Impact on Groundwater Quality.** In order to ensure compliance with the Applicable Laws and Regulations regarding groundwater quality, the Operator shall monitor all private and public wells (to the extent access can be secured), at the Operator's sole cost and expense, located within three miles of the perimeter of the Mining Site in order to provide baseline data concerning quantity and quality of water. The Operator shall comply with the requirements of this Section 13-1-25A(p)(7) for a period of two years prior to commencement of construction of any portion of the Mining Site or commencement of any Mining Operation, and during the period of the Mining Operation, and continuing for no less than five years after the completion of the Mining Site

reclamation. The wells shall be monitored quarterly for lead, arsenic, turbidity, total dissolved solids, chlorides, nitrates, specific conductivity and any toxic substance that may reasonably be believed to be present in the ore deposit proposed to be mined. Well monitoring required under this Ordinance shall be performed by an independent consultant agreeable to both the County and the Operator. All test and monitoring results shall be reported to the County within 30 days of completion. Mining Operations shall not cause an exceedance of groundwater quality standards in Wis. Admin. Code Ch. NR 140 or as otherwise may be set forth in any Applicable Law or Regulation. Any test or monitoring result showing that groundwater quality standards have not been met as set forth in Wis. Admin. Code Ch. NR 140 or any other Applicable Law or Regulation shall be cured by the Operator at the Operator's sole cost and expense.
(©)5/28/2019

- (9) **Fugitive Dust Control.** In addition to any ambient air monitoring required by WI DNR, the Operator shall comply with best management practices for control of off-site fugitive dust, including, but not limited to, use of truck covers, watering roads and equipment, and stabilizing stock piles.
(©)5/28/2019

(q) **Reporting** (©)5/28/2019

- (1) **Considerations.** The standards set forth in this Section 13-1-25A(q) shall be considered as conditions in a Conditional Use Permit/Mining Permit or as the foundation of negotiations in developing the terms of a Local Agreement/Mining Permit. (©)5/28/2019

(2) **Ongoing Reporting Requirements.** (©)5/28/2019

- a. The Operator shall provide notice to the County of any notices of violations, citations, or other enforcement actions taken by any other Government Body or Agency as a result of the Mining Operation or any activity on the Mining Site. The Operator shall provide notice to the County of such actions within 15 days after receiving such notice from the Government Body or Agency.
(©)5/28/2019

- b. All monitoring data, sampling results and any other test results required by this Ordinance shall be undertaken at the Operator's expense and provided to the County Clerk. Unless otherwise specified in this Ordinance, all monitoring data sampling results and any other test results shall be provided to the County Clerk within 30 days of receipt of the results by the Operator. (©)5/28/2019

(3) **Annual Report.** (©)5/28/2019

- a. No later than October 1 of each calendar year, the Operator shall submit an annual report to the County Planning and Zoning Committee for all active and intermittent Mining Sites and Mining

Operations for which the Operator has a Mining Permit in Bayfield County. The County Planning and Zoning Committee may require that the Operator appear at a County Planning and Zoning Committee meeting to present the annual report and answer questions from the County Planning and Zoning Committee. The County Board may also require that the Operator appear at a County Board meeting to present the annual report and answer questions from the County Board. The reporting period shall be from the date of the issuance of the first Operator's Mining Permit to August 31, and thereafter from September 1 to August 31. (©)5/28/2019)

- b. The annual report shall include the following information: (©)5/28/2019)
1. An identification of the Operator and location of the Mining Site. (©)5/28/2019)
 2. A map or drawing of the entire Mining Site accurately showing each use, activity and area associated with all Mining Operations. (©)5/28/2019)
 3. A map or drawing accurately showing the area of excavation, the unclaimed area and the reclaimed area, including a calculation of the number of acres for each type. (©)5/28/2019)
 4. A written description of activities, including ore extraction and waste material production and operations on the Mining Site for the previous calendar year, including the cubic yards each of material extracted, processed, and waste material produced. (©)5/28/2019)
 5. A written description of all activities and operations on the Mining Site, including ore extraction and waste material production or processing anticipated for the following calendar year. (©)5/28/2019)
 6. A written report demonstrating how the Operator has been in compliance with all terms and conditions of its Mining Permit and this Ordinance. The report shall include all groundwater, surface water and other monitoring results, as well as a copy of all annual reports or other reports submitted to any other Government Body or Agency. (©)5/28/2019)
 7. A summary of all areas of non-compliance, a plan for bringing non-compliant areas into compliance, and any actions taken by any Government Body or Agency as a result of any alleged or actual non-compliance. (©)5/28/2019)

8. A signed certification by the Operator to the effect that: “I certify that this information is true and accurate, and except as expressly set forth herein, the metallic mineral mining site and operations described herein and for which the County issued the Mining Permit dated _____ complies with all conditions of the County ordinances and codes, and all other governmental or other regulatory authority requirements, laws, regulations and requirements and is in compliance with any applicable permits, requirements, conditions and approvals required for operation of the metallic mineral mining site and operations described herein and for which the County issued the Mining Permit dated _____.”
(©)5/28/2019
 9. Any other materials required in this Ordinance that may not have been already submitted at the time of the annual report.
(©)5/28/2019
 10. Any other materials or information that the Zoning Administrator, County Planning and Zoning Committee or County Board deems necessary. (©)5/28/2019
- c. Quarterly Inspection Summary. The Operator shall submit to the County Clerk, within 30 days following the close of each calendar quarter, a report summarizing the results of the following inspections: (©)5/28/2019
1. Daily Inspections. The Operator shall inspect any tailings ponds and any other waste lagoons on a daily basis for evidence and indications of any phenomenon, activity or process which might affect the integrity of any tailings pond or dike. (©)5/28/2019
 2. Monthly Inspections. The Operator shall designate one or more qualified senior personnel to inspect any tailings ponds and any other waste lagoons on a monthly basis and prepare, sign and date a report. If the person or persons making the monthly inspections is not a Wisconsin registered professional engineer, then the Operator shall also provide for quarterly inspections as required herein by a Wisconsin registered professional engineer. (©)5/28/2019
 3. Natural Event Inspections. The Operator shall inspect any tailings ponds and any other waste lagoons after any unusual natural occurrence, including, but not limited to, the following: earthquake, tornado, flood, storm event exceeding the 100-year storm threshold, or any other natural event which the Operator should reasonably expect could affect the integrity of the tailings pond, dike or other areas of the Mining Site. (©)5/28/2019

- d. **Inspection Logs.** All daily, monthly and quarterly inspection observations shall be recorded in a log and maintained on the premises of the Mining Site and be made available for inspection by County officials during regular business hours. The Operator shall submit copies of inspection logs to the County upon request.
(©)5/28/2019

(r) **Changes in Operation.** (©)5/28/2019

- (1) **Considerations.** The standards set forth in this Section 13-1-25A(r) shall be considered as conditions in a Conditional Use Permit/Mining Permit or as the foundation of negotiations in developing the terms of a Local Agreement/Mining Permit. (©)5/28/2019
- (2) **Expansion.** Expansion of the Mining Site or any Mining Operation that is not specifically allowed by or is inconsistent with any limitation or parameters of the Mining Permit is prohibited and is a violation of this Ordinance. Performance of activities not described in, or activities not expressly allowed by the Mining Permit shall be considered an unlawful expansion and a violation of this Ordinance. The movement of any waste, ore or concentrate to a Mining Site from a location outside the boundary of that Mining Site shall be deemed an unlawful expansion of Mining Operation unless such movement is specifically and expressly authorized in a Mining Permit issued pursuant to this Ordinance. (©)5/28/2019
- (3) **Suspension or Termination of Mining.** (©)5/28/2019
 - a. An Operator must provide notice to the County as soon as possible of any temporary halt of Mining Operations lasting more than 180 days, including, but not limited to, a statement showing projected loss of employment. Notice shall include the reason for the temporary suspension as well as plans to ensure continued compliance of all Applicable Laws and Regulations throughout the suspension period. (©)5/28/2019
 - b. The Operator must provide notice of its intent to permanently terminate any or all Mining Operations at the Mining Site no later than one year before the proposed Mining Operation, or any portion of the Mining Operation, is terminated. The Operator must provide notice by the end of each calendar year of any significant change in the anticipated timing of each major phase of the Mining Operation as originally detailed in the plan of operation submitted as part of the Application pursuant to this Ordinance and explain any reasonably foreseeable changes to the overall Mining Operation lifetime based on such changes. (©)5/28/2019
 - c. Upon receipt of a notice of temporary halt in mining or upon a cessation lasting more than 180 days, whichever is sooner, the County Planning and Zoning Committee may require that the

Operator take additional measures to ensure that public health, safety and welfare are protected during the temporary cessation of Mining Operations, including, but not limited to, a temporary cap on tailing facilities, additional security measures, additional erosion control measures, and other site stabilization measures. (©)5/28/2019)

- d. A suspension longer than two years shall be considered a permanent abandonment and require the Operator to commence closure and reclamation. The Operator may request the County Planning and Zoning Committee re-evaluate this requirement based on exceptional circumstances. The County Planning and Zoning Committee shall not be obligated to grant the request for re-evaluation. The County Planning and Zoning Committee's determination of the Operator's request for re-evaluation is not subject to appeal or other additional review. (©)5/28/2019)

(4) **Major Conditional Use Permit/Mining Permit Modifications or Amendment.** If a Conditional Use Permit/Mining Permit has been issued, both the County and the Operator may pursue an amendment to that Conditional Use Permit/Mining Permit during the Conditional Use Permit/Mining Permit term pursuant to this Section 13-1-25A(r)(4) and Section 13-1-25A(s)(7)(b). (©)5/28/2019)

- a. The County reserves the right to reopen and modify any Conditional Use Permit/Mining Permit if it is determined by the County Planning and Zoning Committee, upon the basis of newly discovered evidence, including, but not limited to, evidence presented that any Mining Operation or any part of the Mining Operation by any Government Body or Agency, such Mining would, without further conditions placed on the Mining Permit, substantially endanger the environment, public health, safety or welfare of the community. Any action to reopen a Mining Permit shall be done by hearing with at least 30 days' notice to the Operator. In order to reopen the Mining Permit and modify any terms and conditions, the County Planning and Zoning Committee must determine that there is reasonable cause to believe that the newly discovered evidence demonstrates a threat to the environment, public health, safety or welfare. (©)5/28/2019)
- b. Should the Operator desire to modify the Conditional Use Permit/Mining Permit in any way, it may request modification by submitting a written application and evidence supporting such modification to the County Clerk. Such application shall be in substantially the same form as the original Application for the Conditional Use Permit/Mining Permit, with the same level and substance of information required, although it shall be permissible to incorporate by reference any portions of the original Application that still pertain to the re-opening request. Upon receipt of the application to modify the Conditional Use Permit/Mining Permit, the

County shall follow the procedures outlined in this Ordinance for review of an application for a Conditional Use Permit/Mining Permit as set forth in Section 13-1-25A(n). (©)5/28/2019)

- (5) **Minor Conditional Use Permit/Mining Permit Modifications and Amendments.** Upon request by either the County or the Operator for a minor modification to the Conditional Use Permit/Mining Permit, the County Planning and Zoning Committee has the discretion to determine that a proposed Mining Permit modification is so inconsequential in scope or limited in proposed duration that the Mining Permit modification procedures outlined under Section 13-1-25A(r)(4) are unnecessary and therefore inapplicable. If such a determination is made, the County Planning and Zoning Committee may act on the proposed minor Conditional Use Permit/Mining Permit modification at a properly noticed County Planning and Zoning Committee meeting. The County Planning and Zoning Committee's decision shall require a majority vote by the County Planning and Zoning Committee. (©)5/28/2019)
- (6) **Local Agreement/Mining Permit Modification and Amendment.** (©)5/28/2019)
- a. The County or the Operator may request to modify or amend a Local Agreement/Mining Permit according to the procedures set forth in the Local Agreement/Mining Permit. (©)5/28/2019)
 - b. The Local Agreement/Mining Permit may address both major modifications and amendments and minor modifications or amendments. (©)5/28/2019)
 - c. Any modification or amendment to a Local Agreement/Mining Permit shall be executed by all parties thereto and shall be approved according to the requirements set forth in Wis. Stat. § 293.41(4), Section 13-1-25A(i)(3) and Section 13-1-25A(o)(6). (©)5/28/2019)
 - d. The County Board may delegate its authority to modify, amend, suspend or revoke a Local Agreement/Mining Permit pursuant to this Section 13-1-25A(s)(6)(c) to the County Planning and Zoning Committee. (©)5/28/2019)
- (7) **Transfer of Mining Permit.** When one Operator succeeds to the interest of another in a Mining Site, the County shall release the current Operator of the responsibilities imposed by the Mining Permit only if all the following conditions are met, pursuant to the County's reasonable discretion: (©)5/28/2019)
- a. Both the Operator and the successor Operator are in compliance with the requirements and standards of this Ordinance and all other Applicable Laws and Regulations. (©)5/28/2019)

- b. The successor Operator assumes the responsibility of the current Operator in writing and agrees to operate, complete and reclaim the Mining Operations in accordance with the Mining Permit and all other Applicable Laws and Regulations. (©)5/28/2019
 - c. The successor Operator shows proof of financial responsibility in the same manner and amount as the current Operator and the successor Operator agrees to maintain any instrument of financial assurance at the same level as the current Operator. (©)5/28/2019
 - d. The County Planning and Zoning Committee makes a written finding that all conditions of the existing Mining Permit will be complied with by the successor Operator. (©)5/28/2019
 - e. The Local Agreement, if any, is amended to reflect the change in Operator and Persons responsible under the Local Agreement. (©)5/28/2019
- (8) **Commencement of Reclamation.** Reclamation of any Mine shall begin within one year after cessation of Mining Operations, whether temporary or permanent, in accordance with the reclamation plan as set forth in Wis. Stat. Chapter 293 and as may be required by any Government Body or Agency. (©)5/28/2019
- (s) **Inspection, Enforcement, Procedures and Penalties Associated with a Mining Permit.** (©)5/28/2019
- (1) **Application of Section 13-1-25A(s).** The provisions of this Section 13-1-25A(s) apply to a Conditional Use Permit/Mining Permit. The provisions of this Section 13-1-25A(s) shall be considered for inclusion in a Local Agreement/Mining Permit provided, however, that the terms set forth in Section 13-1-25A(s)(6) are required elements of a Local Agreement unless otherwise agreed by majority vote of the County Board. (©)5/28/2019
 - (2) **Inspection of Mining Operation.** (©)5/28/2019
 - a. Upon issuance of a Conditional Use Permit/Mining Permit, the Operator is deemed, as a condition of the Conditional Use Permit/Mining Permit issuance, to have consented to allow inspections of the Mining Site and all Mining Operations by the County Planning and Zoning Committee or its designee(s) for the purpose of determining compliance with the provisions of this Ordinance and the terms and conditions of the Conditional Use Permit/Mining Permit. Inspections may occur pursuant to this Section 13-1-25A(s). (©)5/28/2019
 - b. All required records to demonstrate lawful operation of the Mining Operation shall be maintained by the Operator at the Mining Site and made available within a reasonable time to the County Planning and Zoning Committee or its designee(s) to assist the

County Planning and Zoning Committee to determine compliance with the provisions of this Ordinance. (©)5/28/2019)

- c. The Operator shall provide access to the Mining Site and Mining Operations to allow the County Planning and Zoning Committee or its designee(s) to inspect for the purpose of investigating any complaint against the Operator alleging a condition that negatively impacts the public health, safety or welfare. (©)5/28/2019)
- d. If, as a result of any inspections or investigations, the County Planning and Zoning Committee determines that any Retained Expert should undertake any further inspections or investigations, the County may hire a Retained Expert, the expense of which shall be paid by the Operator pursuant to Section 13-1-25A(m). If the Operator fails to provide access for the inspections or investigations, or provide payment of the County's expenses, the County may take enforcement action under this Section 13-1-25A(s) or as otherwise set forth in this Ordinance. (©)5/28/2019)

(3) **Violations.** In addition to failure to comply with any provision of this Ordinance, the following are specific violations under this Ordinance: (©)5/28/2019)

- a. Failure to comply with any term or condition set forth in the Conditional Use Permit/Mining Permit. (©)5/28/2019)
- b. Failure to comply with any Applicable Law or Regulation, or failure to comply with any permit, approval, order, condition, directive or requirement issued by a Government Body or Agency. (©)5/28/2019)
- c. Engaging in any Mining Operation or any activities associated with metallic mining without a Mining Permit granted by the County pursuant to this Ordinance. (©)5/28/2019)
- d. Failure to comply with the applicable minimum standards and other terms of this Ordinance, all other County ordinances and codes, and any Applicable Law or Regulation, or failure to comply with any applicable permits, approvals or conditions required for the Mining Operation as set forth by a Government Body or Agency. (©)5/28/2019)
- e. Making an incorrect or false statement in the information and documentation submitted as part of the Application, Mining Permit approval process, or during inspection of the Mining Operation by the County or its designees or other duly appointed representative. (©)5/28/2019)
- f. Failure to timely file the annual operational report under Section 13-1-25A(q). (©)5/28/2019)

- g. Failure to comply with any conditions of approving the Application or any agreements entered into as a condition of approving the Application and issuing the Mining Permit. (©)5/28/2019)
- h. Failure to provide or maintain any financial assurance required as a condition to issuing the Mining Permit. (©)5/28/2019)
- i. Failure to take appropriate action in response to a notice of violation, citation, request for additional financial assurance, or other order issued by the County. (©)5/28/2019)

(4) **Notice of Violation.** The County Planning and Zoning Committee or its designee may issue a notice of violation and order for curing the violation upon a violation of any term of this Ordinance or upon any violation of the terms and conditions of a Conditional Use Permit/Mining Permit pursuant to the following provisions. (©)5/28/2019)

- a. The County Planning and Zoning Committee shall issue a notice of violation within 30 days of the County's obtaining knowledge of the violation by service upon the Operator. The notice of violation may include an order, proposed work plan or other remediating steps to cure the violation. The Operator shall have 30 days from the Operator's receipt of the notice of violation and order to complete all necessary work to cure the violations to the County's satisfaction. (©)5/28/2019)
- b. Any Person affected by a notice and order issued in connection with the enforcement of this Ordinance may request and shall be granted a hearing on the notice of violation and order before the County Planning and Zoning Committee, provided such person shall file with the County Clerk a written petition requesting the hearing and setting forth the person's name, address, telephone number and a brief statement of the grounds for the hearing, the requested relief, or for the mitigation of the order. Such petition shall be filed within 30 days of the date the notice and order are served upon the Operator. Upon receipt of the petition for hearing, the County Clerk shall set a time and place for a hearing before the County Planning and Zoning Committee and shall give the petitioner written notice thereof. In the event the petitioner is not the Operator, the County shall provide notice of the hearing to the Operator. (©)5/28/2019)
- c. After the hearing, the County Planning and Zoning Committee by a majority vote, shall sustain, modify or withdraw the notice, or modify the order, depending on the County Planning and Zoning Committee's findings, as to whether the provisions of this Ordinance have been complied with. The petitioner shall be notified within 10 days of the County Planning and Zoning Committee's issuance of its findings and any modification of the order. In the

event the petitioner is not the Operator, the County shall provide a copy of the County Planning and Zoning Committee's findings of fact and any modification of the County's order to the Operator. (©)5/28/2019)

- d. The proceedings of the public hearing, including the findings and decision of the County Planning and Zoning Committee and the reasons therefor, shall be summarized in writing and entered as a matter of public record in the office of the County Clerk. Such record shall also include a copy of every notice and order issued in connection with the case. (©)5/28/2019)
 - e. If the Operator fails to correct or cure the violation to the County Planning and Zoning Committee's satisfaction in accordance with any compliance schedule, order or other findings approved by the County Planning and Zoning Committee, the County Planning and Zoning Committee may revoke the Mining Permit and commence legal action against the Operator for injunctive relief and additional appropriate forfeitures. (©)5/28/2019)
 - f. Prior to the County's issuance of a notice and order, and prior to the public hearing set forth in Section 13-1-25A(s)(4)(b) above, the County may take such action as necessary in order to protect the public's health, welfare and safety, including, but not limited to, the remedies set forth in Section 13-1-25A(s)(5) in the event of any violation of this Ordinance or the Mining Permit. (©)5/28/2019)
- (5) **Remedies.** The County Planning and Zoning Committee may take any appropriate action or proceeding against any Person in violation of this Ordinance or in violation of the terms of the Conditional Use Permit/Mining Permit, including, but not limited to, the following: (©)5/28/2019)
- a. Issue a stop work order for all Mining Operations. (©)5/28/2019)
 - b. Issue a notice of violation and order that specifies the action to be taken to remedy a violation. (©)5/28/2019)
 - c. Issue a citation in accordance with the County's citation ordinance or pursuant to the County's general authority. (©)5/28/2019)
 - d. Refer the matter to legal counsel for consideration and commencement of legal action, including, but not limited to, the assessment of forfeitures under Section 13-1-25A(s)(9) and injunctive relief. (©)5/28/2019)
 - e. Suspend or revoke the Conditional Use Permit/Mining Permit pursuant to Section 13-1-25A(s)(6) or Section 13-1-25A(s)(7). (©)5/28/2019)

- (6) **Suspension or Revocation of Mining Permit Issued Pursuant to Section 13-1-25A(o) as a Local Agreement/Mining Permit.** (©)5/28/2019
- a. Upon receipt of a notice of violation as set forth in Section 13-1-25A(s)(4), and after giving notice and conducting a hearing if requested pursuant to Section 13-1-25A(s)(4)(b), the County Board may suspend or revoke a Local Agreement/Mining Permit for a violation of this Ordinance or the terms of the Local Agreement/Mining Permit. A Local Agreement/Mining Permit may also be revoked if it is determined after notice and a hearing that there has been an abandonment of mining as defined under Wis. Stat. § 293.61. (©)5/28/2019
 - b. Any suspension or revocation of a Local Agreement/Mining Permit, whether in part or in full, shall require a majority vote by the County Board. (©)5/28/2019
 - c. The County Board may delegate its authority to suspend or revoke a Local Agreement/Mining Permit pursuant to this Section 13-1-25A(s)(6)(c) to the County Planning and Zoning Committee. If the County Board delegates its authority to the County Planning and Zoning Committee pursuant to this Section 13-1-25A(s)(6)(c), any reference to the County Board in Section 13-1-25A(s) shall also include the County Planning and Zoning Committee. (©)5/28/2019
- (7) **Suspension or Revocation of Conditional Use Permit/Mining Permit.** (©)5/28/2019
- a. Upon receipt of a notice of violation as set forth in Section 13-1-25A(s)(4) and after giving notice and conducting a hearing if requested pursuant to Section 13-1-25A(s)(4)(b), the County Planning and Zoning Committee may suspend or revoke a Conditional Use Permit/Mining Permit for a violation of this Ordinance or the terms of the Conditional Use Permit/Mining Permit. A Conditional Use Permit/Mining Permit may also be revoked if it is determined after notice and a hearing that there has been an abandonment of mining as defined under Wis. Stat. § 293.61. Notwithstanding the terms of this Section 13-1-25A(s)(7), the County Planning and Zoning Committee may suspend or revoke a Conditional Use Permit/Mining Permit pursuant to the terms of Section 13-1-25A(s) if such suspension or revocation is necessary to protect public health, welfare and safety. (©)5/28/2019
 - b. Any modification, amendment, suspension or elimination of a Conditional Use Permit/Mining Permit, whether in part or in full, shall require a majority affirmative vote by the County Board. (©)5/28/2019
 - c. The County Board may delegate its authority to modify, amend, suspend or revoke a Conditional Use Permit/Mining Permit

pursuant to this Section 13-1-25A(s)(7)(c) to the County Planning and Zoning Committee. If the County Board delegates its authority to the County Planning and Zoning Committee pursuant to this Section 13-1-25A(s)(7)(c), any reference to the County Board in Section 13-1-25A(s) shall also include the County Planning and Zoning Committee. (©)5/28/2019

- (8) **General Revocation Provisions Applicable to All Mining Permits.** The following shall apply to revocation of any Mining Permit: (©)5/28/2019
- a. Revocation of any Mining Permit shall terminate the Operator's right and authority to continue Mining Operations pursuant to this Ordinance but shall not affect the Operator's obligation to comply with any continuing obligations of the Operator under the terms of the Mining Permit or any agreement to which the County is a party. (©)5/28/2019
 - b. Revocation of any Mining Permit shall not terminate any obligation set forth in this Ordinance or in the Mining Permit, whether existing or a future obligation, of the Operator or any Person associated with the Mining Operation. (©)5/28/2019
- (9) **Penalties.** Any Person or Operator who violates this Ordinance or any of the provisions contained herein shall forfeit not less than \$10 or more than \$10,000 for each violation, as reasonably determined by the County Planning and Zoning Committee. Each day of violation is a separate offense. (©)5/28/2019
- a. The County Planning and Zoning Committee shall, promptly after verifying any violation of any provision of a Mining Permit, notify the Operator in writing of such violation and require the Operator to report to the County Clerk within 10 days. (©)5/28/2019
 - b. The County shall be entitled to recover from the violator the reasonable and necessary expenses associated with prosecution of the violation. (©)5/28/2019
 - c. All funds recovered pursuant to this Section 13-1-25A(s) will be placed in an assigned account established by the County and used at the County Planning and Zoning Committee's sole discretion consistent with achieving the intent of this Ordinance. (©)5/28/2019
 - d. The remedies provided herein shall not be exclusive of other remedies. (©)5/28/2019
 - e. If the Operator fails to correct or cure the violation to the County Planning and Zoning Committee's satisfaction in accordance with any compliance schedule approved by the County Planning and Zoning Committee, the County Planning and Zoning Committee may revoke the Mining Permit and commence legal action against

the Operator for injunctive relief and additional appropriate forfeitures. (©)5/28/2019)

- (10) **Non-Waiver.** A failure by the County to take action on any past violation(s) shall not constitute a waiver of the County's right to take action on any present or future violations. (©)5/28/2019)
- (t) **Effective Date and Revisions to Existing County Zoning Ordinance.** This Ordinance shall become effective as provided in Section 13-1-25A(c)(5) upon its adoption and publication by the Bayfield County Board of Supervisors. (©)5/28/2019)
- (u) **Prohibited Areas.** Metallic mining, and/or drilling for oil or gas shall not be allowed in the following areas: (©)5/28/2019)
- (1) Under lakes, rivers, creeks, or streams. (©)5/28/2019)
 - (2) Within one (1) mile of Lake Superior or connected wetlands. (©)5/28/2019)
 - (3) Within one (1) mile of any lake, river, creek, or stream. (©)5/28/2019)

Sec. 13-1-26 Substandard Lots of Record. (D)2/17/2018-(e)

- (a) **Substandard Lots of Record.** The following substandard lots of record, if recorded in the Bayfield County Register of Deeds, Office, may be used as building sites, subject to the provisions set forth in subsection (b), below: (©)10/31/2017)
- (1) A non-shoreland substandard lot or contiguous lots of record which is or are not serviced by a public sanitary sewer and which is or are at least 10,000 sq. ft. in area and 65 ft. in width at the building line. (©)10/31/2017)
 - (2) A non-shoreland substandard lot or contiguous lots of record which is or are served by a public sanitary sewer and which is or are at least 7500 sq. ft. in area and 50 ft. in width at the building line; (©)10/31/2017)
- (b) Substandard lots of record must comply with the following provisions in order to be used as building sites: (©)10/31/2017)
- (1) The proposed use of the site is permitted in the zoning district in which it is located.
 - (2) All applicable setback requirements of this ordinance and all provisions of the Bayfield County Sanitary and Private Sewage Ordinance are complied with.
- (c) **Buildings Sites on Substandard Shoreland Lots.** A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply: (©)7/31/2012); (A)10/31/2017)
- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel. (©)7/31/2012)
 - (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel. (©)7/31/2012)
 - (3) The substandard lot or parcel is developed to comply with all other Bayfield County Zoning Ordinance requirements. (©)7/31/2012)
- (d) **Other Substandard Lots.** A building permit for the improvement of a lot having lesser dimensions than those described in subsections (a) and (b) above, or a shoreland lot having lesser dimensions than those described in subsection (c) above or in Subsection 13-1-32(d) of this Ordinance, shall be issued only after the granting of a variance by the Board of Adjustment. (A)10/31/2017)

Sec. 13-1-27 Mobile Homes. (6/1/1976)

- (a) **Permits.** In any town in which the town board adopts an ordinance regulating mobile homes under the provisions of Sec. 66.058, Wis. Stats., and in which the town board has approved the County Zoning Ordinance, a permit shall be obtained from the town and the county for the establishment of any mobile home residence, or mobile home park. (6/1/1976)
- (b) **Mobile Home Parks.** A conditional use permit (see Section 13-1-41) and an environmental impact analysis (see Section 13-1-42) shall be required. The following regulations shall apply to any mobile home residence, or mobile home park: (6/1/1976)
- (1) The minimum size of a mobile home park shall be three (3) acres. (6/1/1976)
 - (2) Minimum dimensions of a mobile home site shall be fifty (50) feet wide by one hundred (100) feet long. (6/1/1976)
 - (3) The minimum frontage for lots on the outer edge of a curved street shall be thirty (30) feet, and the lot area shall be large enough to include a rectangle with dimensions of fifty feet by one hundred feet (50' x 100). (6/1/1976)
 - (4) All driveways, parking areas, and walkways shall be compacted sand, graveled, or paved, and maintained in good condition. (6/1/1976)
 - (5) There shall be minimum yard setback of forty (40) feet at all lot lines of the mobile home park. (6/1/1976)
 - (6) Mobile home parks shall conform to regulations of Ch. ADM 65, Wis. Adm. Code. (6/1/1976); (A)9/26/2000)
 - (7) There shall be five thousand (5,000) square feet of open space for playgrounds, exclusive of streets, for every ten (10) mobile home sites. (6/1/1976)
 - (8) Any basic unit shall be no closer than twenty (20) feet nor any accessory structure shall be no closer than five (5) feet to the site's lot line. (6/1/1976)
 - (9) There shall be two (2) automobile parking spaces for each mobile home. (6/1/1976)
 - (10) Unless opaquely screened by existing vegetative cover, mobile home parks shall be screened by a temporary planting of fast-growing material capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar, and a permanent evergreen planting such as Norway pine, the individual trees to be such a number as so arranged that within ten (10) years they will have formed a screen equivalent in opaque to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet. (6/1/1976)

- (11) No mobile home sales office or other business or commercial use shall be located within the mobile home park site other than as permitted per Ch. ADM 65, Wis. Adm. Code. Where shoreline access is to be provided for a mobile home park, there must be at least one hundred fifty (150) feet of frontage for every four (4) dwelling units in the park: (66)6/1/1976; (A)9/26/2000
- a. The minimum lake frontage shall be six hundred (600) feet. (66)6/1/1976
 - b. Tree cutting provisions of Section 13-1-23 shall apply except that the maximum clear cut opening shall not exceed fifty (50) feet for any park. (66)6/1/1976
- (c) **Principal Building (Mobile Homes).** (66)6/1/1976
- (1) Any mobile home located outside of a state or county approved mobile home park shall meet the specific dimensional setback and sanitary requirements of a principal building. (66)6/1/1976
 - (2) The placement of such mobile homes within the boundaries of the unincorporated village overlay district established pursuant to Section 13-1-61(n) shall require a "Class B" special use permit. (A)9/26/2000; (A)9/30/2004; (A)8/28/2007
- (d) **Foundation Required.** Every mobile home shall be provided with either a foundation or a mobile home stand.
- (e) **Foundation to Conform.** It is recommended that mobile home foundations be constructed in a manner conforming to the provisions of the State of Wisconsin One- and Two-Family Dwelling Code.
- (f) **Mobile Home Stand.** The mobile home stand shall be constructed with concrete, asphalt, gravel, crushed stone, or other suitable material sufficient to adequately support the mobile home in such a manner to prevent heaving, shifting, or uneven settling forces which occur as a result of frost, poor drainage, vibration, wind, or other forces acting on the structure.
- (g) **Skirting.** All mobile homes shall be boxed in or skirted with suitable materials to promote visual attractiveness and to prevent excessive wind loading, heat loss, and freezing.
- (h) **Ground Anchors.** Every mobile home site shall be provided with, and the mobile home affixed to, ground anchors to prevent rocking and overturn. Tie downs and anchors shall be installed in accordance to the mobile home manufacturer's installation manual.
- (i) **Special Land Use Permit Required.**
- (1) The use of a mobile home as a storage or accessory structure shall

require a Class B Special Land Use Permit. (A)4/20/2004; (A)1/27/2009)

- (j) **Pre-June 15, 1976, Mobile Homes Prohibited.** Placement or relocation of any mobile home manufactured prior to June 15, 1976, is prohibited (provided that this provision does not apply to such placements or relocations legally made prior to April 20, 2004), nor shall any mobile home including parts thereof, manufactured prior to such date be used for human occupation, storage, or any other purpose after the 31st day of May, 2005, unless such use qualifies as legally pre-existing. (D)4/20/2004; (C)4/20/2004; (A)5/31/2005)

Sec. 13-1-28 Campgrounds and Camping Resorts; (6/1/1976); (A)4/20/2004) Recreational Vehicles

- (a) **Permits.** A conditional use permit (see Section 13-1-41) and an Environmental Impact Analysis (see Section 13-1-42) shall be required to establish a campground or camping resort. (6/1/1976)
- (b) **Creation and Management.** The following requirements shall apply to the creation and management of all parks: (6/1/1976)
- (1) The minimum size of a campground or camping resort shall be three (3) acres. (6/1/1976)
 - (2) The maximum number of sites shall be ten (10) per acre and the maximum number of camping units shall be one (1) per site, except that ten percent (10%) of the total number of sites can be constructed and used as dual sites. (6/1/1976)
 - (3) Each site shall be plainly marked and surfaced with compacted sand, gravel, blacktop, or concrete, except for tent sites. (6/1/1976)
 - (4) Each camping unit shall be separated from other camping units by a yard not less than fifteen (15) feet. (6/1/1976)
 - (5) There shall be one (1) automobile parking space for each site, plus one extra parking space for every three (3) sites. (6/1/1976)
 - (6) Unless opaquely screened by existing vegetative cover, all parks shall be screened by a temporary planting of fast-growing material capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar, and a permanent evergreen planting such as Norway pine, the individual trees to be such a number and so arranged that within ten (10) years of planting to be such a number and so arranged that within ten (10) years of planting they will have formed an opaque screen. Such permanent planting shall be grown or maintained at a height of no less than fifteen (15) feet. (6/1/1976)
 - (7) All campgrounds and camping resorts shall conform to the requirements of Ch. ATCP 79, Wis. Adm. Code. (6/1/1976); (D)10/31/2017); (A)10/31/2017-(8)
- (c) **Campground and Park Setbacks.** There shall be a minimum yard setback of forty (40) feet at all lot lines of the park and the park shall conform to the normal setback for permanent structures from highways, roads, and shorelines. This setback shall not apply to internal access roads within a park. (6/1/1976)
- (d) **Recreational Vehicles.**
- (1) No recreational vehicle shall be used as a permanent residence or as a storage accessory structure.

- (2) Any recreational vehicle located outside a state or county approved park shall:
- a. Require an RV placement permit issued by the Bayfield County Planning and Zoning Agency prior to the unit being placed on an undeveloped parcel if placed more than twenty-one (21) days. The RV shall be permitted to be used for temporary dwelling purposes for an aggregate time period of up to four (4) months per calendar year in all zoning districts except Commercial, Forestry-2, Agricultural-2, Conservancy, and Industrial. Any such unit that is to be used for temporary dwelling purposes and which is located on an undeveloped site for a period of time greater than four (4) months per annum shall require a Class A special use permit.
(A)7/30/2013)
 - b. Meet all of the dimensional and setback requirements of the district in which it is located.
 - c. If placed for more than twenty-one (21) days, be provided with a pit privy, or other waste disposal system meeting the requirements of the Bayfield County Sanitary Ordinance.
 - d. Such units shall be permitted to be stored within a garage, carport, or accessory structure or in the rear or side yard areas of developed parcels of land, provided setback standards are met. The placement or storage of more than three (3) units shall require a conditional use permit. Units shall not be stored on undeveloped parcels.
- (3) A time limit of not less than fifteen (15) days shall be given in the order for the removal of any recreational vehicle not complying with the provisions of this Section.
- (4) Within one (1) year after the adoption of this amendment, all nonconforming recreational vehicles shall comply with the terms of this Section.

Sec. 13-1-29 Multiple Unit Developments.

- (a) **Introduction.** A Multiple Unit Development is a development on a single lot consisting of three or more units. It may be a condominium (in which case the lot consists of the condominium property); or a lot improved with a multiple unit dwelling; or a lot improved with a hotel/motel; or a lot improved with three or more units of other types. It requires a conditional use permit under Sec. 13-1-41 and an environmental impact analysis under Sec. 13-1-42, and shall also meet the following requirements:
- (b) **Requirements.**
- (1) Multiple Unit Developments shall be designed and developed to maximize preservation of existing tree cover and native vegetation; to minimize impervious surfaces; to reduce to the extent practicable their impact on the natural environment, resource uses, and other adjacent land uses; and to minimize the disruption of the wooded and rural character of Bayfield County, by utilizing clustering, landscaping, screening, vegetation protection areas, and/or other conservation design techniques. Site restoration plans may be required for such purposes.
 - (2) Multiple Unit Developments providing shoreline access to navigable waters shall be at least two acres in size or have a minimum of 200 feet of frontage on a navigable water. (A)10/31/2017)
 - (3) Multiple Unit Developments shall have a minimum of 30,000 square feet of open space per unit, with the following exceptions: (A)10/31/2017)
 - a. In an unincorporated village overlay district the minimum open space requirement may be reduced to 5,000 square feet per unit if adequate public open space is available elsewhere, off-site, within the district. (A)10/31/2017)
 - b. If the development is to be served by a public sewer system but is not located in an unincorporated village overlay district, the minimum open space requirement may be reduced to 15,000 square feet per unit, except that such reduction shall not apply within the Town of Bayfield.
 - c. A Multiple Unit Development in an R-3 zoning district shall have a minimum open space requirement of two acres (87,120 sq. ft.) per unit. (©)10/26/2010)
 - d. A Multiple Unit Development in an F-1, A-1, or R-2 zoning district shall have a minimum open space requirement of 4.5 acres (196,020 sq. ft.) per unit. (©)10/26/2010)
 - e. The Planning and Zoning Committee may adjust or waive the open space requirements when reviewing applications to make a non-

conforming use conforming. In considering whether to adjust or waive the requirements, the committee shall consider the following:
(©5/29/2018)

- i. The length of time the non-conforming use has been in existence. (©5/29/2018)
 - ii. Relevant public input. (©5/29/2018)
 - iii. Whether the non-conforming use was active and actual prior to the application to waive the open space requirements and not merely casual and occasional or incidental. (©5/29/2018)
 - iv. Whether waiving or adjusting the open space requirements will allow for repurposing of existing structures and prevent additional land disturbance. (©5/29/2018)
- (4) The number of units allowed in a Multiple Unit Development may be restricted, through the conditional use permit process, to fewer units than would be allowed under the minimum open space requirements in paragraph (3), depending on the topographical and natural features of the property to be developed, adjacent land uses, and the nature of any unit(s) in the development other than dwelling units, such as a restaurant, office, conference center, or bar.
- (5) Open space in a Multiple Unit Development shall be legally protected by recorded conditions of its conditional use permit, conservation easement, restrictive covenant, declaration, and/or similar legal arrangement, which shall expressly authorize enforcement by Bayfield County. Open space shall be within the boundaries of the lot(s) to be developed except as provided in 1-13-29 b(3)(a).
- (6) No use shall be allowed in a Multiple Unit Development that is not allowed (as a permitted, special, or conditional use) under Sec. 13-1-62 in the zoning district in which the Multiple Unit Development is located.
- (7) Multiple Unit Developments shall not be allowed in A-2, or F-2 zoning districts and Multiple Unit Developments of more than three units shall not be allowed in A-1 or F-1 zoning districts. A single lot in an A-1 or F-1 zoning district requesting more than three units shall require a rezone.
(A)10/26/2010)
- (8) If a Multiple Unit Development is to be located in more than one zoning district, each portion of the development shall be subject to the open space requirements of the zoning district in which it is to be located.

Sec. 13-1-29A Conservation Subdivisions

- (a) **Introduction.** A Conservation Subdivision is a division of land subject to the Bayfield County Subdivision Control Ordinance under Sec. 14-1-21(a), which is permitted to use more flexible lot standards (as set forth or referred to below) than would otherwise be applicable, in order to provide more open space, preserve desirable natural features, and otherwise enhance the division and use of the land. It requires a conditional use permit under Sec. 13-1-41 and an environmental impact analysis under Sec. 13-1-42, and shall also meet the following requirements:
- (b) **Requirements.**
- (1) A Conservation Subdivision shall be created by plat or, if it consists of four or fewer lots, by certified survey map, prepared in accordance with and approved pursuant to the Bayfield County Subdivision Control Ordinance (Title 14, Chapter 1 of the Bayfield County Code of Ordinances).
 - (2) Each lot in a Conservation Subdivision shall be subject to restrictions limiting improvements thereon to one unit (with allowable accessory structures) (a “developable lot”); or, if the lot is to be preserved for open space, to restrictions prohibiting improvements thereon except for walkways, docks, benches, or other minor improvements, if approved in the issuance of a conditional use permit (an “open space lot”).
 - (3) Conservation Subdivisions shall be designed and developed to maximize preservation of existing tree cover and native vegetation; to minimize impervious surfaces; to reduce to the extent practicable their impact on the natural environment, resource uses, and other adjacent land uses; and to minimize the disruption of the wooded and rural character of Bayfield County, by utilizing clustering, landscaping, screening, vegetation protection areas, and/or other conservation design techniques. Site restoration plans may be required for such purposes.
 - (4) Conservation Subdivisions shall have a minimum of 30,000 square feet per developable lot, with the following exceptions: (D)10/31/2017; (A)10/31/2017
 - e. In an unincorporated village overlay district the minimum area requirement may be reduced to 5,000 square feet per developable lot if adequate public open space is available elsewhere, off-site, within the district. (A)10/31/2017)
 - f. If the development is to be served by a public sewer system not in an unincorporated village overlay district, the minimum area requirement may be reduced to 15,000 square feet per developable lot, except that such reduction shall not apply within the Town of Bayfield.

- g.** A Conservation Subdivision in R-3 zoning district shall have a minimum of two acres (87,120 sq. ft.) per developable lot.
 - h.** A Conservation Subdivision in an F-1, A-1, or R-2 zoning district shall have a minimum of 4.5 acres (196,020 sq. ft.) per developable lot.
- (5) The number of lots allowed in a Conservation Subdivision may be restricted, through the conditional use permit process, to fewer lots than would be allowed under the minimum area requirements in paragraph (2), depending on the topographical and natural features of the property to be developed, adjacent land uses, and the nature of any lot(s) in the subdivision improved with units other than dwelling units, such as a restaurant, office, conference center, or bar. (A)10/31/2017)
 - (6) Open space lots in a Conservation Subdivision shall be legally protected by recorded conditions of the conditional use permit authorizing the Subdivision, conservation easement, restrictive covenant, and/or similar legal arrangement, which shall expressly authorize enforcement by Bayfield County. Open space shall be within the boundaries of the lot(s) to be developed except as provided in Subsection 13-1-29A b(5)(a) of this Ordinance. (A)10/31/2017)
 - (7) No use shall be allowed in a Conservation Subdivision that is not allowed (as a permitted, special, or conditional use) under Sec. 13-1-62 in the zoning district in which the Conservation Subdivision is located. (A)10/31/2017)
 - (8) Conservation Subdivisions shall not be allowed in A-2, or F-2 zoning districts and Conservation Subdivisions requesting more than three lots shall not be allowed in A-1 or F-1 zoning districts. More than three lots in an A-1 or F-1 zoning district shall require a rezone. (A)10/26/2010); (A)10/31/2017)
 - (9) If a Conservation Subdivision is to be located in more than one zoning district, each portion of the subdivision shall be subject to the area requirements of the zoning district in which it is to be located. (A)10/31/2017)

Sec. 13-1-30 Junk and Salvage Yards. (6/1/1976)**(a) Permits Required.**

- (1) A conditional use permit (see Section 13-1-41), and an Environmental Impact Analysis (see Section 13-1-42) shall be required for a junk or salvage yard. Junk and salvage yards shall not be located in the shoreland and floodplain protection districts. (6/1/1976)
- (2) No new accumulation or storage of junked automobiles or parts thereof shall be allowed within two thousand (2,000) feet outside the corporate limits of a city, or within seven hundred fifty (750) feet of the centerline of any county trunk, state trunk highway, or within five hundred (500) feet of the centerline of any town road and shall have minimum side and rear yards of one hundred (100) feet each, except upon a permit issued in accordance with Ch. 175.25, Wis. Stats. (6/1/1976)

(b) Screening. Junk or salvage materials shall be enclosed by a suitable fence or vegetation screen so that materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way. (6/1/1976)

(c) Vertical Height. Junk or salvage materials shall not be piled higher than the height of the fence. (6/1/1976)

(d) Fire Protection. An unobstructed fire break shall be maintained inside the fence, twenty (20) feet in width and completely surrounding the salvage or junk yard. (6/1/1976); (A)3/2/2006

(e) Grace Period. Within one (1) year after adoption of this Chapter, unlicensed existing junk and salvage yards shall submit a plan to the Planning and Zoning Committee, meeting the requirements of this Chapter. (6/1/1976); (A)7/30/2013

(f) Solid and Hazardous Waste Disposal Sites. Where deemed in the public interest, design standards for solid and/or hazardous waste disposal sites may be more stringent than minimum state and federal standards.

Sec. 13-1-31 Back Lot Access to Waters.

Except for waterfront lots on Lake Superior in RRB or Commercial zoning districts, the use of waterfront lots to provide shoreline access to navigable waters from back lots is specifically prohibited, and no land division shall be recorded and no land use permit(s) shall be issued for a waterfront parcel unless the minimum lot area, buildable core and water frontage are provided for each dwelling unit which is located or proposed to be located on the waterfront parcel. (A)2/27/2018)

Sec. 13-1-32 Inland Lake Classification and Shoreland Lot Development Requirements. (D)7/31/2012

(a) Classification of Inland Lakes.

- (1) To achieve the following objectives the inland lakes of Bayfield County are classified as set forth in paragraph (2) into the following classes:

Class 1 (Most Developed Lakes). Objectives: Preserve and enhance water quality to provide conditions for recreational use and aesthetics; retain existing natural shorelines and encourage restoration; acknowledge a mix of natural and developed shorelines; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; promote peace and quiet; balance public and riparian interests in recreational uses.

Class 2 (Moderately Sensitive Lakes and Moderately Developed). Objectives: Preserve and enhance water quality to provide conditions for recreational use and aesthetics; balance the current level of development with the sensitivity of these lakes to maintain and protect water quality; maintain and restore natural shoreline aesthetics and encourage restoration; identify and protect current natural and undeveloped areas; promote peace and quiet; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; balance public and riparian interests in recreational uses.

Class 3 (Most Sensitive Developed and Undeveloped Lakes). Objectives: Maintain and protect water quality; protect or restore the natural/wild appearance of shorelines and lands visible from the water; promote a quiet and peaceful experience; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; discourage commercial use.

- (2) The lakes in each of the above classes are as follows:

Class 1 Lakes		
Lake Name	Location	Rank
Atkins	19-44-5	14
Birch	4-44-9	13
Bony	4-44-9	15
Buskey Bay	28-47-8	14
Devils	16-44-9	14
Diamond	29-44-6	15
Eagle	3-46-8	14
Hart	27-47-8	13
Hilder	2-46-8	14
Lower Eau Claire	25-44-9	17
Middle Eau Claire	17-44-9	15
Millicent	28-47-8	15
Namekagon	10-43-6	15
Owen	14-44-7	14

Class 1 Lakes		
Lake Name	Location	Rank
Siskiwit	21-50-6	13
Swett	35-45-9	13
Trapper	27-44-6	13
Twin Bear	33-47-8	14
Upper Eau Claire	10-44-9	14

Class 2 Lakes		
Lake Name	Location	Rank
Ahmeek	26-47-9	10
Angus	10-47-8	10
Balsam Pond	19-45-7	10
Bark Bay Slough	35-51-7	10
Bass	28-46-7	11
Bellevue	29-46-7	11
Bibon	29-50-8	10
Birch	22-45-5	10
Buffalo	35-43-5	10
Bullhead	8-46-7	10
Cable	12-43-8	12
Camp One	4-46-7	10
Camp Two	4-46-7	11
Chippewa	15-43-5	12
Cisco	21-45-7	10
Club	13-44-6	11
Coffee	24-44-5	10
Cranberry	34-44-6	11
Crystal	15-47-9	12
Crystal	32-44-6	10
Deep	14-47-9	10
Dells	27-43-5	10
Delta	7-46-7	12
Drummond	29-45-7	11
Duck	13-43-5	10
Ellison	30-45-9	11
Esox	21-45-7	10
Everett	18-46-7	11
Hammil	25-44-8	11
Hay	7-46-7	10
Hollibar	17-46-7	10
Iron River Flowage	12-47-9	10
Iron	24-47-9	12
Island	18-45-9	12
Jackman	33-48-8	10
Jackson	33-44-6	11

Class 2 Lakes		
Lake Name	Location	Rank
Kelly	26-45-9	10
Kern	27-46-7	10
Knotting	21-44-6	10
Little Hidden	1-44-7	10
Little Star	11-45-7	10
Long	2-47-8	11
Marengo	34-45-5	12
McCarry	28-47-8	12
Muskellunge	4-46-8	12
Nymphia	14-45-7	10
Ole	27-43-8	11
Oriente Flowage	10-49-9	12
Overby	21-45-7	10
Perch	21-47-8	10
Perch	5-45-7	10
Pickerel	5-44-9	12
Pond	14-45-8	10
Porcupine	17-44-6	10
Richardson	23-47-9	10
Robinson	4-44-9	12
Rust Flowage	5-44-7	10
Ruth	31-47-8	11
Samoset	36-44-8	10
Sand Bar	20-45-9	12
Sawmill	9-46-7	10
Shunenberg	2-44-9	11
Smith	2-44-9	10
Spider	19-47-8	12
Spirit	12-46-8	11
Star	10-45-7	11
Tahkodah	34-44-7	11
Tars Pond	12-44-9	11
Tomahawk	20-45-9	10
Totogatic	32-43-8	12
White Bass	25-43-5	10
Wiley	1-43-8	11

Class 3 Lakes		
Lake Name	Location	Rank
Adeline	7-44-6	8
Anderson	1-45-8	7
Anodanta	15-45-7	9
Armstrong	20-45-7	7
Arrowhead	16-45-7	8

Class 3 Lakes		
Lake Name	Location	Rank
Bailey	26-48-8	7
Barnes	24-44-9	9
Bass	13-44-7	8
Bass	16-47-9	8
Bass	24-44-6	9
Bass	33-44-7	9
Bass	33-47-8	7
Bass	6-45-9	7
Basswood	13-46-8	9
Bear Pond	1-45-8	8
Bear	6-46-7	8
Bearsdale Spring (lower)	8-44-8	6
Bearsdale Spring (lower)	8-44-8	6
Beaver House	2-47-8	8
Beaver	32-46-7	6
Bell	12-46-8	9
Big Brook	28-44-8	9
Bismark	19-47-8	9
Bladder	31-48-7	8
Blazer Creek Springs	34-44-5	8
Blue	7-45-9	8
Bog	2-46-8	6
Breakfast	7-45-9	8
Buck	19-47-7	7
Bufo	6-45-7	8
Bullhead	20-45-7	9
Bullhead	29-44-5	6
Camp Eleven	28-47-9	5
Camp Nine	8-45-8	7
Camp Two	6-46-8	8
Camp	20-44-8	7
Canthook	15-46-8	8
Carroll	20-47-9	7
Carson Pond	17-46-7	8
Casper	20-43-5	8
Castle Creek Springs	34-44-5	8
Cat	28-47-8	9
Claire	5-45-8	7
Clay	8-45-7	8
Connor	14-44-9	8
Cranberry	30-44-9	7
Cranberry	3-45-7	9
Crane	15-44-7	7

Class 3 Lakes		
Lake Name	Location	Rank
Crooked	26-47-8	8
Crystal	10-49-6	7
Dawn	9-43-8	8
De Champs Creek Spring	33-48-8	9
Deep	4-46-7	8
Deer	27-45-6	6
Dinner Camp	25-44-8	7
Dry Well	7-45-7	8
Ducetts	4-45-9	7
Duck	26-47-8	7
East Davis	11-44-6	8
East Eightmile	35-46-9	9
Egg	29-45-7	9
Eighteen Mile Creek Spring	18-44-6	7
Eko	36-49-6	7
Erick	34-47-9	8
Finger	32-47-7	9
Fire	5-47-8	7
Fish Creek Flowage	27-47-7	9
Fish Creek Spring	10-47-5	8
Five Island	34-47-8	7
Five	34-43-5	9
Flakefjord	5-45-7	6
Flynn	30-45-7	9
Flynn	3-46-8	9
Friedbauer	27-44-6	9
Frog	25-46-8	7
Fuller	33-43-8	7
George	18-45-9	9
Getsey	6-46-7	8
Ghost	20-43-5	9
Half Moon	17-47-8	8
Half Moon	24-44-8	7
Happles	9-46-8	8
Hay	18-45-9	7
Heart	7-46-7	8
Henderson	33-45-9	8
Henry	1-43-8	8
Hicks	11-47-8	7
Hobbs	3-47-8	7
Hoist	2-48-7	7
Holly	25-44-8	8
Honey	18-47-7	7

Class 3 Lakes		
Lake Name	Location	Rank
Horseshoe	13-48-7	6
Horseshoe	19-44-7	5
Hostrassers	14-47-9	8
Hyatt Spring	5-44-8	7
Idlewild	6-44-9	9
Inch	3-46-8	9
Indian	23-45-5	9
Island	24-47-8	7
Jesse	26-47-9	7
JoAnn	15-43-7	8
Johnson Spring	22-45-7	7
Johnson	2-47-8	9
Jones	22-47-9	5
Lamereau	6-45-8	7
Lee	12-45-8	8
Lemon	8-46-7	9
Lenawee	12-49-7	8
Lerche	22-43-8	7
Lester	1-46-8	9
Lindgren	21-47-9	7
Line	33-46-7	7
Little Bass	7-43-5	8
Little Island	21-45-9	7
Little Siskiwit	22-50-6	9
Lizzy	15-44-6	8
Long	6-48-5	7
Loon	12-47-8	8
Lost	21-47-8	9
Louise	10-47-6	9
Lund	5-45-7	8
McCloud	31-43-5	9
McGinnis	24-48-6	7
Mimi	20-44-9	9
Mirror	16-45-7	7
Mirror	6-47-7	9
Moon	18-47-8	9
Moose	5-48-6	8
Motyka	32-44-7	6
Mountain	28-45-8	8
Mud Flat	6-46-7	7
Mud	35-44-7	8
Mullenhoff	20-47-8	9
Muskie Springs	34-43-5	9
Mystery	6-46-7	8
Nancy	6-45-8	7

Class 3 Lakes		
Lake Name	Location	Rank
Nelson	18-45-7	9
Nokomis	30-47-7	7
Northeast	26-44-7	8
Ole	18-45-9	8
Olson	20-45-5	7
Osborn	33-45-6	9
Patsy	20-47-7	7
Perch	22-50-6	8
Peterson	16-47-8	9
Perry	17-43-7	8
Phantom	6-46-7	9
Physa	6-45-7	7
Picture	31-44-7	7
Pigeon	34-45-8	9
Pike	21-47-8	9
Pine	10-48-7	7
Pine	22-47-8	8
Planorbis	5-45-7	8
Pond	17-44-8	6
Porter	9-43-7	9
Pot	27-45-7	8
Preemption Creek Pond	11-44-6	8
Price	8-43-7	7
Priest	19-45-9	9
Rainbow	36-46-8	9
Rana	20-45-7	9
Range Line	36-43-5	8
Ree	28-44-6	8
Reynard	7-45-7	8
Rib	2-48-7	8
Rock	29-43-6	8
Roger	10-44-7	9
Roger	30-47-8	8
Rosa	6-44-7	8
Russell	22-47-9	7
Ryberg	23-44-7	7
Sage	6-44-6	7
Sawdust	8-47-7	8
Shunenberg Springs	4-44-8	6
Siegal	22-44-6	8
Silver Sack	26-48-8	9
Silver	9-46-8	9
Simpson	11-47-9	8
Siskiwit Springs	24-50-6	6

Class 3 Lakes		
Lake Name	Location	Rank
Sixteen	16-44-8	6
Smear	36-44-8	8
Southwest	31-44-6	6
Spider	22-47-7	9
Spring	11-47-9	8
Spring	32-43-6	8
Spruce	27-44-5	8
Square	22-46-8	7
Steckbaur	3-47-8	8
Steelhead	15-46-8	9
Stewart	18-44-7	8
Swede	12-46-8	9
Tank	11-43-6	8
Tank	20-45-6	5
Taylor	30-44-5	9
Tea Cup	29-46-7	9
Toothpick	31-47-7	7
Topside	12-47-8	6
Tower	25-46-8	9
Travers	6-45-8	7
Trout	4-46-8	8
Tub	32-47-7	8
Turtle	17-45-9	8
Twin (East)	36-49-6	7
Twin (North)	17-43-6	9
Twin (Northeast)	17-47-7	8
Twin (Northwest)	17-47-7	8
Twin (South)	20-43-6	7
Twin (Southwest)	17-47-7	8
Twin (West)	36-49-6	9
Twin	25-45-9	5
Two	19-46-7	8
Wabigon	13-45-8	8
Wanoka	20-47-7	8
Wentzel	13-47-8	7
West Davis	10-44-6	7
West Eightmile	34-46-9	7
West	14-46-8	6
West	22-43-8	8
Wilderness	6-45-8	9
Wilipyro	36-44-8	8
Wishbone	8-45-7	7
Wolf	4-46-7	9
Wright	27-47-9	5

UnNamed Lakes that have private lands bordering them.

Class 3 Lakes- UnNamed		
Section	Location	Area
SW $\frac{1}{4}$	23-43-5	4.6
SW $\frac{1}{4}$ -NE $\frac{1}{4}$ -NW $\frac{1}{4}$	21-43-6	3.0
NE $\frac{1}{4}$	23-43-6	5.5
NW $\frac{1}{4}$	23-43-6	7.5
NW $\frac{1}{4}$	3-43-7	29.1
SE $\frac{1}{4}$	5-43-7	6.3
NE $\frac{1}{4}$	16-43-7	11.7
SE $\frac{1}{4}$	16-43-7	19.6
NW $\frac{1}{4}$	25-43-7	2.8
NE $\frac{1}{4}$	1-43-8	13.8
SW $\frac{1}{4}$	1-43-8	2.2
NE $\frac{1}{4}$	5-43-8	2.0
SW $\frac{1}{4}$	9-43-8	4.5
NW $\frac{1}{4}$	10-43-8	6.0
NE $\frac{1}{4}$ -NW- $\frac{1}{4}$	12-43-8	8.4
NW $\frac{1}{4}$ -NW $\frac{1}{4}$	12-43-8	3.1
SE $\frac{1}{4}$ -NW $\frac{1}{4}$	12-43-8	2.1
NE $\frac{1}{4}$	14-43-8	3.6
SW $\frac{1}{4}$	14-43-8	4.7
NE $\frac{1}{4}$	15-43-8	3.8
NE $\frac{1}{4}$	22-43-8	2.9
SW $\frac{1}{4}$	22-43-8	2.4
NE $\frac{1}{4}$	24-43-8	2.0
SE $\frac{1}{4}$	24-43-8	2.9
SW $\frac{1}{4}$	35-43-8	10.6
SW $\frac{1}{4}$	3-43-9	8.3
NE $\frac{1}{4}$	5-43-9	3.5
NW $\frac{1}{4}$	19-44-5	11.2
NW $\frac{1}{4}$	23-44-5	5.9
NW $\frac{1}{4}$	16-44-6	8.6
NW $\frac{1}{4}$	28-44-6	2.1
NE $\frac{1}{4}$	7-44-7	5.2
SW $\frac{1}{4}$	29-44-7	3.5
SW $\frac{1}{4}$	30-44-7	2.0
SW $\frac{1}{4}$ -SE $\frac{1}{4}$	30-44-7	2.4
SE $\frac{1}{4}$ -SE $\frac{1}{4}$	30-44-7	2.7
NE $\frac{1}{4}$	31-44-7	2.1
SW $\frac{1}{4}$	23-44-8	3.8
SW $\frac{1}{4}$ -SE $\frac{1}{4}$	24-44-8	2.3
SE $\frac{1}{4}$	36-44-8	7.2
SW $\frac{1}{4}$ -SE $\frac{1}{4}$	1-44-9	2.1
SE $\frac{1}{4}$ -SE $\frac{1}{4}$	1-44-9	2.1

Class 3 Lakes- UnNamed		
Section	Location	Area
SW $\frac{1}{4}$	13-44-9	3.0
NE $\frac{1}{4}$	29-44-9	31.0
SE $\frac{1}{4}$	31-44-9	2.3
SW $\frac{1}{4}$	22-45-5	2.8
NE $\frac{1}{4}$ -SE $\frac{1}{4}$	23-45-5	4.0
NW $\frac{1}{4}$ -SE $\frac{1}{4}$	23-45-5	2.1
NE $\frac{1}{4}$ -SE $\frac{1}{4}$	24-45-5	5.2
NW $\frac{1}{4}$ -SE $\frac{1}{4}$	24-45-5	12.3
SW $\frac{1}{4}$	27-45-5	8.2
NE $\frac{1}{4}$	30-45-5	23.7
SW $\frac{1}{4}$	32-45-5	3.9
SE $\frac{1}{4}$	32-45-5	12.3
NW $\frac{1}{4}$ -NE $\frac{1}{4}$	19-45-6	3.3
NE $\frac{1}{4}$ NE $\frac{1}{4}$	19-45-6	5.1
NW $\frac{1}{4}$ -NW $\frac{1}{4}$	19-45-6	10.5
SE $\frac{1}{4}$	20-45-6	2.2
SW $\frac{1}{4}$	28-45-6	4.2
SE $\frac{1}{4}$	28-45-6	4.6
NE $\frac{1}{4}$	30-45-6	3.0
NE $\frac{1}{4}$ -NE $\frac{1}{4}$	33-45-6	2.0
NW $\frac{1}{4}$ -NE $\frac{1}{4}$	33-45-6	6.7
NW $\frac{1}{4}$	33-45-6	2.8
NW $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$	36-45-6	3.5
SE $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$	36-45-6	5.2
SE $\frac{1}{4}$	24-45-8	8.2
SW $\frac{1}{4}$	34-45-8	2.9
SW $\frac{1}{4}$	5-45-9	17.1
SW $\frac{1}{4}$	7-45-9	3.6
NE $\frac{1}{4}$	9-45-9	7.2
SW $\frac{1}{4}$	17-45-9	2.0
NE $\frac{1}{4}$	18-45-9	3.0
NE $\frac{1}{4}$	19-45-9	10.8
NE $\frac{1}{4}$ -NE $\frac{1}{4}$	20-45-9	9.5
SE $\frac{1}{4}$ -NE $\frac{1}{4}$	20-45-9	10.5
NW $\frac{1}{4}$	21-45-9	3.0
NE $\frac{1}{4}$ -NW $\frac{1}{4}$	22-45-9	2.9
NW $\frac{1}{4}$ -NW $\frac{1}{4}$	22-45-9	2.4
SW $\frac{1}{4}$ -SW $\frac{1}{4}$	24-45-9	7.1
SE $\frac{1}{4}$ -SW $\frac{1}{4}$	24-45-9	2.2
NW $\frac{1}{4}$	25-45-9	2.8
NE $\frac{1}{4}$	30-45-9	2.2
NW $\frac{1}{4}$	35-45-9	4.3
SW $\frac{1}{4}$ -NE $\frac{1}{4}$	36-45-9	2.1
SE $\frac{1}{4}$ -NE $\frac{1}{4}$	36-45-9	2.7

Class 3 Lakes- UnNamed		
Section	Location	Area
SW $\frac{1}{4}$	4-46-7	5.3
NE $\frac{1}{4}$	6-46-7	4.5
NE $\frac{1}{4}$	8-46-7	5.9
SE $\frac{1}{4}$	9-46-7	10.9
NW $\frac{1}{4}$	33-46-7	6.3
SW $\frac{1}{4}$	33-46-7	3.7
SE $\frac{1}{4}$	33-46-7	4.2
NE $\frac{1}{4}$	1-46-8	8.7
SW $\frac{1}{4}$	1-46-8	23.1
SE $\frac{1}{4}$	1-46-8	2.8
NE $\frac{1}{4}$	2-46-8	2.7
SE $\frac{1}{4}$	2-46-8	3.8
SE $\frac{1}{4}$	4-46-8	3.5
SW $\frac{1}{4}$	9-46-8	3.8
SE $\frac{1}{4}$	11-46-8	3.0
NW $\frac{1}{4}$	13-46-8	6.2
SW $\frac{1}{4}$	13-46-8	2.0
NE $\frac{1}{4}$	14-46-8	3.1
NW $\frac{1}{4}$	15-46-8	3.6
NW $\frac{1}{4}$	34-46-9	8.7
NE $\frac{1}{4}$	1-47-5	13.9
NW $\frac{1}{4}$	1-47-5	22.8
NW $\frac{1}{4}$	18-47-5	4.1
NW $\frac{1}{4}$	7-47-7	14.0
NW $\frac{1}{4}$	19-47-7	8.9
NE $\frac{1}{4}$ -NE $\frac{1}{4}$ -NE $\frac{1}{4}$	33-47-7	3.0
SW $\frac{1}{4}$ -NE $\frac{1}{4}$ -NE $\frac{1}{4}$	33-47-7	3.3
NW $\frac{1}{4}$	35-47-7	2.0
NE $\frac{1}{4}$	2-47-8	13.9
SE $\frac{1}{4}$	2-47-8	14.3
NW $\frac{1}{4}$ -SW $\frac{1}{4}$ -NE $\frac{1}{4}$	7-47-8	2.4
SE $\frac{1}{4}$	8-47-8	9.1
NW $\frac{1}{4}$	12-47-8	3.8
NE $\frac{1}{4}$	13-47-8	5.0
NE $\frac{1}{4}$	17-47-8	2.0
SW $\frac{1}{4}$	17-47-8	10.0
NW $\frac{1}{4}$ -SW $\frac{1}{4}$ SE $\frac{1}{4}$	17-47-8	2.8
SW $\frac{1}{4}$ -SW $\frac{1}{4}$ -SE $\frac{1}{4}$	17-47-8	2.1
NW $\frac{1}{4}$ -SE $\frac{1}{4}$ -SE $\frac{1}{4}$	17-47-8	2.0
SE $\frac{1}{4}$	20-47-8	8.2
SE $\frac{1}{4}$	23-47-8	3.8
NW $\frac{1}{4}$ -NW $\frac{1}{4}$	25-47-8	4.9
SW $\frac{1}{4}$ -NW $\frac{1}{4}$	25-47-8	4.4
NE $\frac{1}{4}$	26-47-8	8.5

Class 3 Lakes- UnNamed		
Section	Location	Area
NE $\frac{1}{4}$	27-47-8	2.3
NW $\frac{1}{4}$	33-47-8	2.5
SE $\frac{1}{4}$	33-47-8	5.8
NW $\frac{1}{4}$ -SW $\frac{1}{4}$	35-47-8	4.7
SE $\frac{1}{4}$ -SW $\frac{1}{4}$	35-47-8	2.7
SE $\frac{1}{4}$	35-47-8	6.6
NE $\frac{1}{4}$	7-47-9	4.8
SE $\frac{1}{4}$	24-47-9	2.0
NE $\frac{1}{4}$ -SE $\frac{1}{4}$	25-47-9	5.5
SW $\frac{1}{4}$ -SE $\frac{1}{4}$	25-47-9	3.0
NW $\frac{1}{4}$	28-47-9	3.2
NE $\frac{1}{4}$	29-47-9	10.0
NE $\frac{1}{4}$	35-48-5	3.2
NE $\frac{1}{4}$	31-48-7	2.9
SW $\frac{1}{4}$	35-48-8	4.6
NE $\frac{1}{4}$	29-49-5	4.1
SW $\frac{1}{4}$	5-49-9	11.0
SW $\frac{1}{4}$ -SE $\frac{1}{4}$	5-50-7	7.3
SE $\frac{1}{4}$ -SE $\frac{1}{4}$	5-50-7	3.0
SE $\frac{1}{4}$	20-50-8	20.2
SW $\frac{1}{4}$	21-50-8	16.6
SE $\frac{1}{4}$	7-51-3	3.0
NW $\frac{1}{4}$	20-51-3	17.2
SE $\frac{1}{4}$	29-52-4	2.6
SW $\frac{1}{4}$	36-52-5	10.3

UnNamed lakes surrounded by Public Lands

Class 3 Lakes- UnNamed		
Section	Location	Area
NW $\frac{1}{4}$	3-43-5	2.4
SW $\frac{1}{4}$	3-43-5	2.2
SW $\frac{1}{4}$	22-43-5	4.8
SW $\frac{1}{4}$	26-43-5	2.0
NE $\frac{1}{4}$	30-43-5	2.4
NE $\frac{1}{4}$	34-43-5	5.7
NW $\frac{1}{4}$	18-43-6	2.9
NW $\frac{1}{4}$	20-43-6	3.6
SE $\frac{1}{4}$	27-43-6	4.2
SW $\frac{1}{4}$ -NW $\frac{1}{4}$ -SW $\frac{1}{4}$	29-43-6	5.0
SW $\frac{1}{4}$ -SW $\frac{1}{4}$	29-43-6	2.0

Class 3 Lakes- UnNamed		
Section	Location	Area
SE $\frac{1}{4}$	29-43-6	2.1
NE $\frac{1}{4}$	31-43-6	11.0
SW $\frac{1}{4}$	31-43-6	4.4
SE $\frac{1}{4}$	31-43-6	8.9
NW $\frac{1}{4}$	32-43-6	9.0
SE $\frac{1}{4}$	27-43-7	2.5
NE $\frac{1}{4}$ -NE $\frac{1}{4}$	34-43-7	15.2
SW $\frac{1}{4}$ -NE $\frac{1}{4}$	34-43-7	2.4
SE $\frac{1}{4}$ -NE $\frac{1}{4}$	34-43-7	5.0
NW $\frac{1}{4}$	29-44-5	10.1
SW $\frac{1}{4}$	29-44-5	2.3
NW $\frac{1}{4}$	33-44-5	2.2
NW $\frac{1}{4}$	14-44-6	4.9
SW $\frac{1}{4}$	14-44-6	13.2
SE $\frac{1}{4}$	15-44-6	2.0
NE $\frac{1}{4}$	19-44-6	9.6
SW $\frac{1}{4}$	2-44-7	2.9
SE $\frac{1}{4}$	9-44-7	3.0
NE $\frac{1}{4}$	11-44-7	2.2
SW $\frac{1}{4}$	11-44-7	4.3
NW $\frac{1}{4}$	12-44-7	5.7
NW $\frac{1}{4}$	18-44-7	2.8
SW $\frac{1}{4}$	18-44-7	2.5
SW $\frac{1}{4}$	23-44-7	2.5
SE $\frac{1}{4}$	23-44-7	10.1
SW $\frac{1}{4}$	24-44-7	13.5
NW $\frac{1}{4}$ -SW $\frac{1}{4}$ -NE $\frac{1}{4}$	25-44-7	2.1
SW $\frac{1}{4}$ -SW $\frac{1}{4}$ -NE $\frac{1}{4}$	25-44-7	2.7
NW $\frac{1}{4}$	25-44-7	9.5
SW $\frac{1}{4}$	25-44-7	4.1
SE $\frac{1}{4}$	26-44-7	3.5
NW $\frac{1}{4}$	31-44-7	2.4
NW $\frac{1}{4}$ -NW $\frac{1}{4}$	15-44-8	4.0
SW $\frac{1}{4}$ -NW $\frac{1}{4}$	15-44-8	5.9
NE $\frac{1}{4}$ -SE $\frac{1}{4}$	17-44-8	3.8
NW $\frac{1}{4}$ -SE $\frac{1}{4}$	17-44-8	14.7
NE $\frac{1}{4}$	20-44-8	7.6
NW $\frac{1}{4}$	20-44-8	2.8
SE $\frac{1}{4}$	20-44-8	3.8
NW $\frac{1}{4}$	21-44-8	2.0
NW $\frac{1}{4}$	36-44-8	2.3
SE $\frac{1}{4}$	28-44-9	5.7
NW $\frac{1}{4}$	3-45-7	6.5
NW $\frac{1}{4}$	4-45-7	2.1

Class 3 Lakes- UnNamed		
Section	Location	Area
NE $\frac{1}{4}$	5-45-7	3.2
NE $\frac{1}{4}$ -NW $\frac{1}{4}$	5-45-7	8.6
NW $\frac{1}{4}$ -NW $\frac{1}{4}$	5-45-7	2.7
SE $\frac{1}{4}$ -NW $\frac{1}{4}$	5-45-7	2.8
NW $\frac{1}{4}$	7-45-7	2.0
SE $\frac{1}{4}$	8-45-7	16.6
SW $\frac{1}{4}$	10-45-7	5.1
NW $\frac{1}{4}$	16-45-7	6.3
NW $\frac{1}{4}$	17-45-7	4.1
NE $\frac{1}{4}$ -NE $\frac{1}{4}$	18-45-7	9.8
NW $\frac{1}{4}$ -NE $\frac{1}{4}$	18-45-7	7.3
SW $\frac{1}{4}$	18-45-7	6.0
NW $\frac{1}{4}$	19-45-7	8.7
SW $\frac{1}{4}$	20-45-7	2.5
SW $\frac{1}{4}$	28-45-7	4.4
SE $\frac{1}{4}$	30-45-7	2.3
SE $\frac{1}{4}$	35-45-7	4.0
NW $\frac{1}{4}$	36-45-7	7.2
SE $\frac{1}{4}$	12-45-8	4.7
NE $\frac{1}{4}$	14-45-8	2.9
NW $\frac{1}{4}$	31-45-8	2.4
NW $\frac{1}{4}$ SW $\frac{1}{4}$	31-45-8	7.3
SW $\frac{1}{4}$ SW $\frac{1}{4}$	31-45-8	10.1
SW $\frac{1}{4}$	34-45-8	2.0
SW $\frac{1}{4}$	4-45-9	2.7
NW $\frac{1}{4}$	8-45-9	6.1
NW $\frac{1}{4}$	9-45-9	2.7
NW $\frac{1}{4}$	12-45-9	2.5
NE $\frac{1}{4}$ NE $\frac{1}{4}$	16-45-9	3.3
SW $\frac{1}{4}$ NE $\frac{1}{4}$	16-45-9	7.3
NW $\frac{1}{4}$	16-45-9	2.8
SE $\frac{1}{4}$	17-45-9	7.5
NE $\frac{1}{4}$	31-46-7	7.1
NW $\frac{1}{4}$	6-46-8	5.2
SW $\frac{1}{4}$	18-46-8	5.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$	22-46-8	2.6
SW $\frac{1}{4}$ NW $\frac{1}{4}$	22-46-8	2.1
SE $\frac{1}{4}$	23-46-8	2.3
NE $\frac{1}{4}$	24-46-8	5.0
SE $\frac{1}{4}$	24-46-8	2.5
SW $\frac{1}{4}$	36-46-8	3.0
NW $\frac{1}{4}$	4-46-9	2.8
NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	4-46-9	21.6
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	4-46-9	8.6

Class 3 Lakes- UnNamed		
Section	Location	Area
SW ¼	27-46-9	4.0
NW ¼	5-47-7	3.7
NE ¼	6-47-7	5.3
NE ¼ NW ¼	6-47-7	3.0
NE ¼ SW ¼ NW ¼	6-47-7	2.4
SE ¼ SW ¼ NW ¼	6-47-7	3.5
NE ¼ SE ¼ NW ¼	6-47-7	2.5
SE ¼	6-47-7	10.1
SW ¼	17-47-7	3.6
SW ¼	18-47-7	6.6
SW ¼	27-47-7	4.9
NW ¼	32-47-7	3.2
SW ¼	33-47-7	2.3
NE ¼	1-47-8	2.6
SE ¼	1-47-8	2.5
NW ¼	9-47-8	2.1
NE ¼	11-47-8	14.0
NW ¼	12-47-8	7.5
NE ¼	24-47-8	7.7
SW ¼	24-47-8	2.3
SE ¼	24-47-8	8.4
NE ¼	26-47-8	5.1
NE ¼	32-47-8	11.2
NE ¼ SW ¼	32-47-8	2.3
NW ¼ SW ¼	32-47-8	16.1
NW ¼	8-47-9	9.9
SE ¼	18-47-9	2.1
SE ¼	19-47-9	2.0
NE ¼	20-47-9	2.0
SW ¼ NW ¼ SE ¼	20-47-9	4.0
SE ¼ NW ¼ SE ¼	20-47-9	3.0
SW ¼ SE ¼	20-47-9	3.3
SE ¼	21-47-9	4.5
NE ¼	22-47-9	3.2
SE ¼	22-47-9	2.0
SW ¼	23-47-9	5.0
NE ¼	28-47-9	3.2
NW ¼	28-47-9	12.0
NW ¼ SW ¼	28-47-9	7.0
SW ¼ SW ¼	28-47-9	14.8
SE ¼ SW ¼	28-47-9	7.2
SE ¼	28-47-9	2.3
SE ¼	29-47-9	5.2
NE ¼	32-47-9	4.0

Class 3 Lakes- UnNamed		
Section	Location	Area
NE ¼	33-47-9	9.3
SE ¼	33-47-9	6.0
NE ¼ NE ¼	34-47-9	4.5
SW ¼ NE ¼	34-47-9	2.5
NW ¼	34-47-9	3.0
NW ¼	35-47-9	2.3
SW ¼	5-48-6	3.5
NE ¼	12-48-6	3.5
SE ¼	19-48-6	2.7
SW ¼	10-48-7	2.2
NE ¼	12-48-7	3.4
NW ¼	14-48-7	2.3
SW ¼	30-48-7	11.7
SE ¼	31-48-7	9.2
NW ¼ NW ¼ NW ¼	32-48-7	4.8
SE ¼ NW ¼ NW ¼	32-48-7	10.3
NW ¼	25-48-8	2.1
NW ¼	34-48-8	6.1
SE ¼ NW ¼ NE ¼	35-48-8	2.6
SE ¼ NE ¼	35-48-8	2.8
SW ¼ SE ¼	35-48-8	3.6
SE ¼ SE ¼	35-48-8	2.5
NW ¼	36-48-8	6.3
NE ¼ SW ¼	36-48-8	8.4
SE ¼ SW ¼	36-48-8	11.1
SE ¼	36-49-6	9.7
NW ¼	7-50-5	5.3
NE ¼	32-51-6	15.1

- (3) **Reclassification.** Inland lakes [and portions thereof with at least one-half mile of contiguous shoreline] may be reclassified by amendment of Section 13-1-32(a)(2), containing the lake classification list, pursuant to this provision and in accordance with Section 59.69(5)(e) Wis. Stats., containing the statutory procedure for amending county zoning ordinances. A petition for reclassification to a more restrictive class should be based on one or more of the following factors and should list each and every such factor upon which it is based. The petitioner should be prepared to demonstrate to the Planning and Zoning Committee and County Board that each factor listed in the petition does in fact exist with respect to the lake [or portion thereof] proposed to be reclassified:
(A)7/30/2013)

a. **Water Quality**

1. The waterway is sensitive to phosphorous loading based on its physical characteristics.
2. Water quality is good to excellent based on average summer secchi disk readings.
3. Dense stands of aquatic macrophytes or algal blooms that impair ecological or recreational values are absent from the waterway.
4. Significant impacts of point or nonpoint source pollution are absent from the watershed.

b. Environmental Significance

1. The shoreline is largely natural or undeveloped shoreline or shorelands are designated wilderness, scientific or natural areas.
2. The watershed is largely natural or undisturbed.
3. There are unique visual features such as inlands, bluffs or expansive viewsheds.
4. There are important botanical features such as extensive wild rice beds, rare or endangered species or unique community assemblages.

c. Fisheries Significance

1. The waterway has the ability to support a cold water fishery.
2. There are excellent sport fish population levels.
3. There is a significant crop of sport fish of large/trophy size.
4. There is significant use by rare, endangered, threatened or watch list aquatic species.

d. Wildlife and Recreational Significance.

1. The waterway provides high quality, multiple use or unique recreational experiences.
2. There is significant waterfowl or furbearer production.
3. The waterway provides significant use by rare, endangered, threatened or watch list species.

4. The waterway provides significant migratory habitat for water birds.
- (b) **Application of Stricter Standards.** If more than one requirement with respect to setback, lot area, or lot dimension applies to a parcel, the most restrictive requirement(s) shall be applied. (D)10/31/2017-(b)(c)(d)(dg)(dm); (©)10/31/2017)
- (c) **Impervious Surface Standards.** For any riparian lot or parcel and any non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway, the construction, reconstruction, expansion, replacement or relocation of any impervious surface must meet the following requirements: (dp10/29/2013); (D)10/31/2017-(e)(em)(f); (©)10/31/2017-(g)
- (1) **Lots or Parcels with 15% or Less Impervious Surface.** Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface without the need for mitigation. (dp10/29/2013)
- (2) **Lots or Parcels with More than 15% but no More than 30% Impervious Surface.** Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Sec. 13-1-40, subsection (f) paragraph (9) of this Ordinance shall apply. (dp10/29/2013); (A)10/31/2017)
- (3) **Existing Impervious Surfaces.** For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in paragraphs (1) and (2) above, the property owner may do any of the following: (dp10/29/2013); (D)10/31/2017-(3); (A)10/31/2017)
- a. Maintenance and repair of all impervious surfaces; (dp10/29/2013)
- b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope; (dp10/29/2013)
- c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1) (b), Wisconsin Administrative Code. (dp10/29/2013); (A)10/31/2017)
- (4) **Treated Impervious Surfaces:** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations. (©)10/31/2017)
- a. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-

swales or other engineered systems. (©)10/31/2017)

- b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil. (©)10/31/2017)

(5) **Calculation of Percentage of Impervious Surface:** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. (©)10/31/2017)

(d) **For the Town of Pilsen.** The following minimum lot sizes in the shoreland area shall apply: (©)10/31/2017-(d)

- (1) Sewered lots: the minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet. (©)10/31/2017)
- (2) Unsewered lots: the minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet. (©)10/31/2017)

(e) **Relationship to Other Provisions.** Subsections (b) and (c) above are subject to the provisions of Sec. 13-1-22 (a) (modifying setbacks for certain structures), Sec. 13-1-26 (pertaining to substandard lots of record), and Sec. 13-1-40 (pertaining to nonconforming uses and structures) of this Ordinance. (©)9/30/2001); (A)7/31/2012); (A)10/31/2017)

Sec. 13-1-33 Multiple Structures. (©)6/1/1976; (©)12/15/2009)

- (a) **Multiple Residences.** A conditional use permit shall be required for more than one (1) residence on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No more than one residence may be located on a substandard lot. (©)6/1/1976; (©)5/28/2002; (A)9/30/2004; ©)3/28/2006; (A)1/29/2008; (A)2/27/2018)
- (b) **Multiple Bunkhouse/Guest Quarters.** A conditional use permit shall be required for more than one (1) bunkhouse/guest quarter on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No bunkhouse/guest quarters may be located on a substandard lot. (©)12/15/2009)

Secs. 13-1-34 through Sec. 13-1-39 Reserved for Future Use.