

**FINAL DRAFT FOR PUBLIC HEARING ON AMENDMENTS  
TO THE DUNN COUNTY COMPREHENSIVE ZONING ORDINANCE  
RELATED TO NONMETALLIC MINING**

**ORDINANCE NO. \_\_\_\_\_ Revised 9/20/2012**

The Board of Supervisors of the County of Dunn does hereby ordain as follows:

**Section 1.** Paragraph 4(a) of Chapter 12 of the Dunn County Comprehensive Zoning Ordinance be created to read as follows:

4. (a). **Active Mine Boundary:** The expression upon the land surface of a more or less continuous series of points that when taken together enclose all activities and operations that occur at the mine site on a regular or irregular basis, including all structures, facilities, parking areas and interior haul roads that are integral to or directly serve the mining operation and all stockpiles, waste piles, settling ponds, retention ponds, detention ponds, and lay-down areas that are utilized by the mining operation.

**Section 2.** Paragraph 15 of Chapter 12 of the Dunn County Comprehensive Zoning Ordinance be created to read as follows:

15. **Life of the Mine:** The time period beginning at mine permit issuance and extending through the day on which the entire land area of the mine site is restored in accordance with the approved reclamation plan and all associated costs to be borne by the mine or mine operator have been paid in full.

**Section 3.** Paragraph 39(a) of Chapter 12 of the Dunn County Comprehensive Zoning Ordinance be created to read as follows:

39. (a) **Construction Aggregate:** Crushed and uncrushed particles of rock and/or predominantly non-metallic minerals, sand size and larger, that are produced for and used in the construction industry or for construction purposes at the site of production, including, for purposes of example, the following uses: as sub-base or base course for buildings, roadways or railroads; granular backfill adjacent to foundations, culverts or other structures; ingredients of mortar, Portland cement, concrete, asphalt; rip-rap, retaining walls, revetment stone and dimension stone; agricultural uses such as aglime, bedding or walkways for livestock; and for the specified miscellaneous uses of septic system filters, landscape stone, landfill leachate collection systems and for placing on roadways in freezing weather.

**Section 4.** Paragraph 55(a) of Chapter 12 of the Dunn County Comprehensive Zoning Ordinance be created to read as follows:

55. (a) **Exploratory Boring:** An excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface for the purpose of obtaining information on the physical, chemical, radiological or biological characteristics of geological formations or depth to groundwater, excluding any drillholes regulated by Wis. Admin. Code Ch. NR 141.25.

**Section 4.** Paragraph 85(a) of chapter 12 of the Dunn County Comprehensive Zoning Ordinance be created to read as follows:

85. (a). **Hazardous Material:** Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Department of Natural Resources.

**Section 5.** Paragraph 89(a) of chapter 12 of the Dunn County Comprehensive Zoning Ordinance be created to read as follows:

89. (a). **Industrial Sand Mining:** Means any of the following

A. The operation of an establishment that is engaged in excavating or otherwise removing from the land any sand or sandstone by any means, including any associated stripping of overburden, removal of sand or sandstone washing, screening, sorting, beneficiation, drying, loading, stockpiling or other processing or preparation of sand or sandstone for any use other than construction aggregate. Industrial sand mining is a form of nonmetallic mining and as such must comply with any and all ordinance requirements applicable to nonmetallic mining, including, but not limited to the application, licensing, and reclamation plan requirements.

Industrial sand mining includes mining sand or sandstone for any of the following purposes:

1. Abrasive sand.
2. Blasting sand.
3. Enamel sand.
4. Filtration sand.
5. Foundry sand.
6. Moulding sand
7. Frac sand including for use as proppant in hydraulic fracturing.
8. Grinding sand.
9. Industrial sand.
10. Silica sand.
11. Silica.

B. Extraction from the earth of sand, sandstone bedrock, fluvial sands, alluvial sands or aggregates for offsite use or sale of industrial sand products including associated activities such as drilling, blasting, excavation, stripping, grading and dredging of such materials and removing, relocating or disposing of overburden and other wastes of the mining process.

C. Manufacturing or processing operations on the mining site that involve the use of equipment for crushing, screening, separation, beneficiation, classification, washing dewatering, drying coating, or blending of the industrial sand or products obtained by extraction from the mining site.

D. Stockpiling of industrial sand products, rail transloading of industrial sand products, nonmetallic mining waste materials, or topsoil intended for use in reclaiming a nonmetallic mine site.

E. Reclamation of the mine site.

**Section 6.** Paragraphs 97 and 98 of Chapter 12 of the Dunn County Comprehensive Zoning Ordinance be repealed and paragraph 97 is created to read as follows:

97. **Mine Operator:** Any person who is engaged in, or who has applied for a permit to engage in mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

**Section 4.** Paragraph 99 of Chapter 12 of the Dunn County Comprehensive Zoning Ordinance be repealed.

**Section 5.** Paragraph 108(a) of Chapter 12 of the Dunn County Comprehensive Zoning Ordinance is created to read as follows:

108. (a). **Nonmetallic Mineral Processing:** To beneficiate, concentrate, screen, sort, clean, wash, dry, package, containerize or apply coating to a nonmetallic mineral or nonmetallic mineral aggregate, byproduct, co-product, waste or waste product.

**Section 6.** Paragraph 109 of Chapter 12 of the Dunn County Comprehensive Zoning Ordinance be amended to read as follows:

~~109 **Nonmetallic Mining:** The extraction and/or processing (crushing, washing, screening, scalping, dewatering or blending) for sale or use by the operator of mineral aggregates such as stone, gravel, sand, clay, topsoil, feldspar, peat, tale, or other non-metallic materials.~~

Means any of the following:

- a. Extraction from the earth of stone, nonmetallic mineral aggregates or nonmetallic minerals for off-site use or sale, associated activities such as drilling, blasting, excavation, grading and dredging of such aggregates and minerals.
- b. Any manufacturing or processing operation that may involve the use of equipment for the crushing, screening, sorting, separation, blending, or coating of the mineral aggregates or nonmetallic minerals obtained by extraction from the mining site or with minerals transferred from off-site.
- c. Manufacturing processes aimed at producing nonmetallic products, except for construction aggregate, for sale or use by the operator.
- d. Stockpiling or transloading of nonmetallic products for sale or use off-site and stockpiling of waste materials or materials intended for use in mine reclamation.
- e. Transport of extracted nonmetallic materials, finished products or waste materials to or from the extraction, manufacturing or processing site located in the unincorporated areas of Dunn County.
- f. Disposal of nonmetallic mining waste materials as defined in this ordinance.
- g. Reclamation of lands and waters that have been impacted by nonmetallic mining.

**Section 7.** Paragraph 109 (a), 109 (b), 109(c), 109 (d) and 109 (e) of Chapter 12 of the Dunn County Comprehensive Zoning Ordinance be created to read as follows:

109. (a) **Nonmetallic Mining Operation:** The extraction from the earth of stone, nonmetallic mineral aggregates and/or nonmetallic minerals for sale, profit or export from the site of origin, and related operations, processes and activities, including but not limited to

removing overburden, drilling, blasting, excavating, grading, dredging, stockpiling, crushing, screening, sorting, scalping, dewatering, drying, coating, blending, packaging, containerizing, storing of nonmetallic minerals, nonmetallic mineral aggregates, overburden, topsoil, waste rock, product ion byproducts or mining wastes. It includes activities and operations performed within the active mine boundary to construct, operate or maintain any machine, equipment, building, tank, pond, lagoon, structure or facility used in conjunction with any nonmetallic mining, nonmetallic mineral processing, handling or disposal at the mine site of any nonmetallic mining waste material and nonmetallic mining reclamation. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

(b) **Nonmetallic Mining Waste Material:** The non-marketable materials removed from the land prior to or during the nonmetallic mineral mining process or during the industrial sand mining process. It includes overburden, waste soil, rock, mineral, sand and other primarily natural materials, as well as natural materials that have been contaminated with any hazardous substance, that results directly from the operator's nonmetallic mining, and that is designated for disposal at the operator's designated nonmetallic mining site or elsewhere in as authorized by the operator's licenses, permits, approvals and reclamation plan.

(c) **Nonmetallic Mining Site, Project Site, or Site:** The location where a nonmetallic mining operation is conducted or licensed to occur including all lands within the active mine boundary, all related storage and processing areas, areas where nonmetallic mining refuse and materials intended for use in reclamation is deposited and areas disturbed by or to be disturbed in the future by the nonmetallic mining operation or by ancillary activities, including but not limited to, the private roads, haulage ways or transportation corridors that connect any outlying lands used in the nonmetallic mining operation that do not share a common property boundary with the primary location of the nonmetallic mining activities.

(d) **Nonmetallic Mining Reclamation or Reclamation:** The rehabilitation of a nonmetallic mining site to achieve a topographic profile, vegetative character and land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining structures, facilities and refuse; rough and finish grading of the nonmetallic mining site, removal, storage and replacement of topsoil; stabilization of appropriate soil conditions; reestablishment of vegetative cover; control of surface water and groundwater; prevention of environmental pollution and the restoration of plant species and fish and wildlife habitat.

(e) **Nonmetallic Mining Structures:** Any buildings, facilities, permanent equipment or framework that is located on the mine site. It includes, but is not limited to, mining and processing equipment, storage facilities and improvements, constructed ponds and lagoons, mechanical shops, paved parking surfaces and office space.

**Section 8.** Section 2.6.11 of the Dunn County Comprehensive Zoning Ordinance is amended to read as follows:

**2.6.11 Special Exceptions.** The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 9.2.

- (a) Governmental mining operations and nonmetallic mining operations of less than twenty five (25) acres, excluding industrial sand mining, (based on the life of the mine). See additional requirements in Section 7.4.
- (ab) Construction aggregate nonmetallic mining operations. See additional requirements in Section 7.4.
- (b) Commercial feedlots and fur farms as defined in Section 12.
- (c) Agricultural-related businesses, other than permitted accessory use as defined in Section 2.6.04(c) which includes but not limited to:
  - 1. Veterinary services and animal hospitals
  - 2. Livestock sales facilities
  - 3. Farm machinery dealers and repair services
  - 4. Seed, fertilizer and chemical dealers
  - 5. Industries which process agricultural products largely produced on nearby farms.
- (d) Asphalt mixing plants governmentally owned and operated or private temporary plants serving public projects.
- (e) Sewage disposal plants, landfill and incinerators, transfer stations and buildings for the repair or storage of road maintenance equipment.
- (f) Additional housing to be occupied by a person or a family when at least one member of which earns a substantial part of his or her livelihood from the farm operation on the farm parcel or a parent, grandparent or child of the farm operator or owner.
- (g) Sawmills when on location for more than 90 days.
- (h) Commercial kennels
- (i) Drive-in theaters
- (j) Roller-skating, ice-skating rinks, swimming pools, health fitness centers, for public use or conducted as a business.
- (k) Planned unit developments as per Section 7.2.
- (l) Condominiums as per Chapter 703 Wis. Stats.
- (m) Public or private club and fraternity to include but not limited to tennis courts, golf courses, archery ranges, skeet and trap shooting, hunting and fishing clubs.
- (n) Multi-family dwellings
  - 1. Minimum lot size shall increase 2000 square feet for every unit over two.
- (o) Mobile/manufactured home parks subject to the provisions of Section 7.5 and Chapter HSS 177 Wis. Admin. Code.
- (p) Medical, correctional, seminaries and charitable institutions
- (q) Public and private recycling centers
- (r) Contractors storage yards, public or private dumping grounds, automobile wrecking yards and junk yards
- (s) Open sales lots for the purpose of buying and selling automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, mobile/manufactured homes and similar products.
- (t) Public and private transportation terminals and airports

- (u) Dams, power plants, radio and television stations and transmission towers
- (v) Concrete mixing plants
- (w) Automotive and general machinery repair services and fabrication
- (x) Public and private campgrounds, camping resorts, travel trailer parks
- (y) Hotels, motels and tourist rooming houses
- (z) Warehouse, mini-warehouse for public storage

**Section 9.** Section 2.7.11 of the Dunn County Comprehensive Zoning Ordinance is amended to read as follows:

**2.7.11 Special Exceptions.** The following uses may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 9.2.

- (a) Governmental mining operations and nonmetallic mining operations of less than twenty five (25) acres, excluding industrial sand mining, (based on the life of the mine). See additional requirements in Section 7.4.
- (ab) Construction aggregate nonmetallic mining operations. See additional requirements in Section 7.4.
- (b) Commercial feedlots and fur farms as defined in Section 12.
- (c) Agricultural-related businesses, other than permitted accessory use as defined in Section 2.7.04(c) which includes but not limited to:
  1. Veterinary services and animal hospitals
  2. Livestock sales facilities
  3. Farm machinery dealers and repair services
  4. Seed, fertilizer and chemical dealers
  5. Industries which process agricultural products largely produced on nearby farms.
- (d) Asphalt mixing plants governmentally owned and operated or private temporary plants serving public projects.
- (e) Sewage disposal plants, landfill and incinerators, transfer stations and buildings for the repair or storage of road maintenance equipment.
- (f) Additional housing to be occupied by a person or a family when at least one member of which earns a substantial part of his or her livelihood from the farm operation on the farm parcel or a parent, grandparent or child of the farm operator or owner.
- (g) Sawmills when on location for more than 90 days.
- (h) Commercial kennels
- (i) Drive-in theaters
- (j) Roller-skating, ice-skating rinks, swimming pools, health fitness centers, for public use or conducted as a business.
- (k) Planned unit developments as per Section 7.2.
- (l) Condominiums as per Chapter 703 Wis. Stats.
- (m) Public or private club and fraternity to include but not limited to tennis courts, golf courses, archery ranges, skeet and trap shooting, hunting and fishing clubs.
- (n) Multi-family dwellings
  1. Minimum lot size shall increase 2000 square feet for every unit over two.

- (o) Mobile/manufactured home parks subject to the provisions of Section 7.5 and Chapter HSS 177 Wis. Admin. Code.
- (p) Medical, correctional, seminaries and charitable institutions
- (q) Public and private recycling centers
- (r) Contractors storage yards, public or private dumping grounds, automobile wrecking yards and junk yards
- (s) Open sales lots for the purpose of buying and selling automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, mobile/manufactured homes and similar products.
- (t) Public and private transportation terminals and airports
- (u) Dams, power plants, radio and television stations and transmission towers
- (v) Concrete mixing plants
- (w) Automotive and general machinery repair services and fabrication
- (x) Public and private campgrounds, camping resorts, travel trailer parks
- (y) Hotels, motels and tourist rooming houses
- (z) Warehouse, mini-warehouse for public storage

**Section 10.** Section 2.11.11 of the Dunn County Comprehensive Zoning Ordinance is amended to read as follows:

#### **2.11.11 Special Exceptions**

- (a) The following uses and related structures may be allowed as a special exception upon the approval by the Board of Adjustment as provided in Section 9.2.

General Agriculture as defined in Section 2.7.02(a)

Automotive salvage yards and junk yards

Permanent asphalt and concrete batching or ready-mix operations

Retail and service business customarily incidental to permitted and special exception uses.

Acid manufacture

Cement, lime, gypsum, or plaster of paris manufacture

Concrete products, casting

Distillation

Fat rendering, offal and dead-animal processing

Fuel tank farms

Fertilizer manufacture

Foundries

Glue manufacture

~~Mining – non-metallic and metallic~~ Metallic mining

Governmental mining operations and nonmetallic mining operations of less than twenty five (25) acres, excluding industrial sand mining, (based on the life of the mine). See additional requirements in Section 7.4.

Construction aggregate nonmetallic mining operations. See additional requirements in Section 7.4.

Petroleum manufacture

Steam power plants  
Smelting of ores  
Tanneries  
Monument works  
Railroad freight terminals, switching, and repair functions including rail transloading facilities, except industrial sand rail transloading facilities  
All other manufacturing not listed as permitted uses

**Section 11.** Section 2.13 of the Dunn County Comprehensive Zoning Ordinance is created to read as follows:

### **2.13 Nonmetallic Mining Overlay District**

**2.13.01 Purpose.** It is the purpose of this overlay district to apply impartial standards to regulate the extraction, processing, utilization and transport of nonmetallic mineral resources and products to ensure maximum protection to surrounding properties and the physical environment, protect the public health, safety and general welfare, and to promote aesthetic values. This district is also created to protect mineral extraction operations against problems caused by intrusion of incompatible land uses, and to allow for protection of deposits of minerals.

**2.13.02 Findings of Fact.** While Industrial Sand Mining and Nonmetallic Mineral Mining are legitimate and permissible parts of the state and local economy, and while they may provide good jobs and beneficial economic activity, the activities, processes and chemicals employed can adversely affect groundwater and surface water, drastically alter aesthetic appearance of natural landscape, and produce harmful levels of soil erosion, dust, noise and other negative impacts. Industrial sand mining and nonmetallic mining operations can have negative impacts and present safety concerns to members of the public, create traffic problems, road damage, and lead to other off-site impacts that may adversely affect the safety and well-being of county residents and landowners. Property values may also be adversely affected by such mines and the transportation of nonmetallic minerals on nearby roads. Other potential impacts from Industrial Sand Mining and Nonmetallic Mineral Mining and processing include potentially detrimental changes in land use, stormwater runoff, excessive groundwater use and the addition of potential sources of surface and ground water contamination, exposure to respirable silica dust, noise and light, all of which may adversely impact human health and the environment.

Furthermore, there are substantial cumulative impacts associated with industrial sand mining and the permitting of multiple industrial sand mining locations. Whereas gravel and other construction aggregates are typically mined sporadically on an as needed, project by project basis at a local level, industrial sand mining is a continuous, daily process wherein operators attempt to mine continuously and as quickly as possible given the immediate and far-reaching need for the commodity. The incremental impacts of each individually permitted industrial sand mine on the environment, human health and land use are much greater when considered cumulatively. Industrial sand mining operations are deemed to be collectively significant which necessitates considerable review. When considered cumulatively, industrial sand mining presents vastly different impacts than other nonmetallic mineral mining operations or construction aggregate and requires more stringent regulations due to the cumulative nature of these impacts. Thus, all industrial sand mining operations shall be performed in the Nonmetallic

Mining Overlay District and shall be subject to the review and permitting procedures of Section 7.4.02.

**2.13.03 Applicability.**

- A. Overlay district boundaries will follow platted lot lines, government lot lines, CSM lot lines, quarter-quarter section lines, or municipal boundaries, centerlines of streets, highways, railroads, or lakes, streams, and other water bodies.
- B. The overlay district does not remove land use restrictions from the underlying zoning district. However, should there be a conflict between the underlying zoning and the overlay district the overlay district supersedes the underlying zoning.
- C. The overlay district will remain in effect until the applicant receives a certificate of compliance from the Environmental Services Department in accord with the nonmetallic mining reclamation standards and County reclamation standards and any other applicable County ordinance provisions. In the event that a reclamation plan is not required under NR135, the overlay district will remain in effect until the nonmetallic mining operation is discontinued for a period of 12 months or otherwise in accordance with County standards.

**2.13.04 Exempted Activities.** The following are exempt from this chapter:

- A. As exempted use under Section 7.4 of this ordinance.
- B. Borrow sites as regulated under Wis. Stat. § 85.193.

**2.13.04 Permitted Principal Uses.**

- A. Uses allowed by the underlying zoning district.
- B. Nonmetallic mining operations that have been previously permitted with a special exception use permit and/or by a nonmetallic mining reclamation permit to operate shall be allowed to continue to operate under the terms and conditions of those permits on file prior to the effective date of this ordinance.

**2.13.05 Permitted Principal Structures.**

- A. Structures allowed by the underlying zoning district.
- B. Any structures permitted by previously permitted mines.

**2.13.06 Permitted Accessory Uses.** Uses allowed by the underlying zoning district.

**2.13.07 Permitted Accessory Structures.**

Accessory structures allowed by the underlying zoning district.

**2.13.08 Special Exception Uses.** In the nonmetallic mining overlay district, the following are special exception uses and are subject to the provisions of Section 7.4:

- A. Nonmetallic Mining Operations, subject to the provisions of Section 7.4.
- B. Industrial Sand Mining Operations, subject to the provisions of Section 7.4
- C. Special exception uses allowed by the underlying zoning district.

**2.13.09 Structures Subject to Special Use Permits.**

- A. Structures associated with Nonmetallic Mining Operations and its accessory uses.
- B. Structures associated with Industrial Sand Mining Operations and its accessory uses.
- C. Structures for temporary hot mix and concrete batch plant operations.
- D. Structures allowed by the underlying zoning district.

**2.13.10 Lot, height and yard requirements.** The following lot, height and yard requirements are established for the nonmetallic mining overlay district:

- A. Lot size and access.
  - 1. The minimum lot size of the district shall conform to the underlying zoning district lot size.
  - 2. The overlay district shall directly abut a public highway and shall have direct access to that highway.
- B. Height. All structures, except nonmetallic mining structures and industrial sand mining structures, shall conform to the underlying zoning district provisions.
- C. Setbacks.
  - 1. The minimum highway setback for structures shall be 200 feet from the right of way, except when railroad access for a transloading facility is within 200 feet of the right of way.
  - 2. The minimum side-yard setback for nonmetallic mining structures shall be 100 feet.
  - 3. The minimum rear-yard setback for nonmetallic mining structures shall be 100 feet.
- D. More restrictive use, lot, height and yard requirements may be established at the time of special exception use permit approval.

**2.13.11 Standards for overlay zoning.** Zoning to the nonmetallic mining overlay district shall be based on findings that consider the following factors:

- A. Compliance with Wis. Stat. § 91.46 (6).
- B. The land use is consistent with Dunn County's comprehensive plan and the general purpose of this ordinance as stated in Section 1.8.
- C. The suitability of the land for mining based on the nonmetallic mineral deposits.
- D. The potential that the mining operation will unduly burden facilities in the County or otherwise impact the County's ability to meet the demands of users of County facilities including roadways, utilities, sanitary/sewer, waste facilities and other County facilities.

**Section 12.** Sections 7.4.01 and 7.4.02 of the Dunn County Comprehensive Zoning Ordinance are repealed. Section 7.4.01, 7.4.02 are recreated and 7.4.015 and 7.4.25 are created to read as follows:

**7.4.01 Purpose:** It is the purpose of this section by applying impartial standards to govern the extraction, processing, utilization and transport of mineral resources and products to

ensure maximum protection to surrounding properties and the physical environment, protection for the public health, safety and general welfare, and to promote aesthetic values. See provisions of Section 7.6.02 (a) – (f) for existing or nonconforming mine sites.

#### **7.4.015 Nonmetallic Mining Applicability.**

- A. Nonmetallic mining operations less than 25 acres (based on the life of the mine), construction aggregate nonmetallic mining operations, and governmental mining operations are special exception uses and may be permitted in the A2, A3 and I districts. All other nonmetallic mining operations 25 acres and greater, (based on the life of the mine) and Industrial Sand Mining operations are special exception uses and may be permitted in the nonmetallic mining overlay district, as regulated by Section 2.13 of this ordinance.
- B. Exemptions. This section shall apply to all nonmetallic mineral extraction operations except as follows:
  - 1. Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
  - 2. Excavations or grading conducted for construction, reconstruction, maintenance or repair of a highway, railroad or any other transportation facility where the excavations or grading is entirely within the property boundaries of the highway, railroad or other transportation facility.
  - 3. Grading conducted for preparing a construction site or restoring land following a flood or other natural disaster.
  - 4. Excavations for building construction purposes conducted on the building site.
  - 5. Nonmetallic mining sites where less than one acre is affected.
  - 6. Removal from the earth of products or commodities that contain only minor incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

#### **Section 7.4.02 Nonmetallic Mining and Industrial Sand Mining Standards on Sites Larger Than Twenty-Five (25) Acres**

- A. **Special Exception/Conditional Use Permit Required.** Industrial sand mining and nonmetallic mineral mining on sites 25 acres or larger shall be permitted only as a special use in accordance of section 9.2.03 of the County Ordinance and only if a permit is obtained pursuant to the requirements of this section, any other applicable section of this chapter and the County Ordinance in its entirety. All operators seeking a special exception permit for all industrial sand mining operations or a nonmetallic mining site of 25 acres or more (based on the life of the mine) shall apply on forms provided by the County and according to the policies of the Zoning Division as applicable to the special use permit.
- B. **Permits.** A special use industrial sand mining permit or nonmetallic mineral mining permit shall not be considered under this section unless corresponding nonmetallic mining reclamation and all other necessary permits, licenses and approvals have been properly applied for in accordance with any applicable local, County, State and

Federal regulations. Complete regulatory approval applications must be submitted for all applicable County, State, Federal permits and approvals and to each town in which any part of the proposed nonmetallic mineral mine will be located.

- C. **Filing for Permit.** The filing requirements contained in this section shall be in addition to the filing requirements contained in any other section of this subchapter, County Ordinance, State and/or Federal laws and regulations and shall in no way limit filings related to other applicable permits, licenses or approvals. For nonmetallic mineral mining the filing provisions of this shall control over conflicting sections, if any, of this chapter. An application shall include the following:

**1. Filing Fees**

- (a) The applicant shall submit a minimum deposit of \$5,000.
  - (b) Maintaining an adequate administrative fee deposit balance at all times is a condition of maintaining an application and a license.
  - (c) The deposit amount shall be held by the County and used to pay for review expenses, any oversight and/or monitoring by state agencies, the County's administrative and enforcement expenses, experts, legal fees and related expenses associated with the evaluation of the application at issue and the administration, enforcement, or other matters compelled by the issuance of the license.
  - (d) The County will provide a regular accounting of its expenses to the applicant and the applicant shall replace depleted administrative fee deposits within 14 days of being notified by the County to do so.
  - (e) Should the permit be approved, the account shall remain funded until the applicant receives a certificate of compliance from the Environmental Services Department in accordance with the nonmetallic mining reclamation standards and County reclamation standards and any other applicable County ordinance provisions. In the event that a reclamation plan is not required under NR135, the deposit account shall remain funded until the nonmetallic mining operation is discontinued for a period of 12 months or otherwise in accordance with County standards.
  - (f) Should a permit be denied, the account shall remain funded until all of the applicant's appeals have been exhausted. Should the appeals uphold the Board of Adjustment's decision the exhaustion of appeals results in a final decision and the account shall be settled by returning any remaining funds in the account to the applicant within 14 days of the exhaustion of appeals.
2. **A Signed and Notarized Statement.** The applicant must provide a signed and notarized statement which includes:

- (a) The name and address of the applicant
- (b) A summary describing the nature and scope of the project.
- (c) A legal description of all land proposed to be included in the project including lands to be mined, used for accessory buildings and

structures, roadways and any other metallic mineral mining related use.

- (d) A description of the applicant's interest in the property including ownership, leasehold or any other interest.
- (e) Approximate dates that construction will begin and end.
- (f) The applicant's best estimate and explanation of the life expectancy of the project.
- (g) Information explaining the expected total volume of minerals to be extracted at the metallic mineral mine.
- (h) Evidence of the applicant's ability to carry out the project. This evidence must include an explanation of the method of financing, a current and complete financial statement of the applicant, a list of the applicant's experience in similar projects, a list of currently operating projects and the status of compliance at each project site, letters of reference and other materials as determined to be necessary by the County and/or Zoning Committee.
- (i) A statement that all information is accurate and complete to the best of the applicant's knowledge.
- (j) A statement that the applicant agrees to abide by all of the provisions and requirements of this chapter, other County ordinances, state and federal laws and any and all permits and licenses granted under such laws and regulations.

3. Documents, information and plans as required by the remainder of this section.

**D. Content of Application.** An application for a special exception permit shall include the following information:

- 1. All of the information required by Chapter 20 of the Dunn County Code of Ordinances.
- 2. A special exception use application fee as required in accordance with section 9.4.01 of this Ordinance in addition to the deposit fee as required under section 7.4.02(c)(1)(a) of this Chapter.
- 3. Required information and plans conforming to the requirements of 7.4.02(E).
- 4. Proof of application for local, state and federal permits required to operate the nonmetallic mining operation.
- 5. To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of Chapter 20, of the Dunn County Code of Ordinances.
- 6. Name of company, agent, principal officer, principal stockholders or owners, state of incorporation, date of incorporation; copies of articles of incorporation, lease of mine sites and estoppel certificates.

E. Required Information and Plans. The application submitted for a special exception nonmetallic mining permit shall be accompanied by the following information and/or plans:

1. An ALTA land survey completed by a land surveyor registered in the State of Wisconsin at a scale of not smaller than 200 feet to the inch showing the location of the tract or tracts of land with parcel identification numbers marked, to be included in the proposed mining operation, including the proposed mine boundary.
2. The lateral extent of the proposed mine site at a scale not smaller than 660 feet to the inch, with the mine site boundaries clearly shown.
3. A topographic map of the property to be affected by the mine operation at contour intervals no greater than 2 feet and extending one half-mile beyond the proposed mine boundary at a scale not smaller than 660 feet to the inch, with the mine site boundaries clearly shown.
4. A map of all residential, agricultural and municipal wells within 1 mile of all proposed mine site boundaries.
5. A map showing the location of the exploratory borings at a scale of not less than 1 inch equals 660 feet.
6. A geologic log of each exploratory boring including the GPS location, collar elevation and diameter of each exploratory boring, depth to groundwater observed, geologic description of the materials encountered, the applicant's interpretation of the geologic formations encountered and identification of the top and bottom elevations of any nonmetallic mineral deposit intersected by the exploratory borehole.
7. A vicinity map showing the location of the site within the town and county, including the following:
  - (a) Names of owners of the tract or tracts of land to be mined and the property owners of the land within one half mile of the mine site;
  - (b) Locate and label all existing buildings within 1,320 feet of the outer perimeter of the mine site;
  - (c) The location and name of all surface water, including 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 1 mile of the proposed mine boundaries.
8. A map at a scale of not less than 200 feet to the inch, showing the proposed sequence of mining, direction of mining, depth of mining, and estimated volumes of material to be removed on an annual basis for the proposed life of the mine, including:
  - (a) Cross-sections of the proposed nonmetallic mine at intervals of not more than 200 feet.
  - (b) The dates of the proposed commencement and cessation of the mine operation.
9. Daily hours of operation;
10. A map of the mine site at a representative scale not less than 1 inch equals 200 feet, showing the following:

- (a) Stockpiles and storage yards.
  - (b) On-site haul roads.
  - (c) Proposed permanent or temporary structures with their identity marked.
  - (d) Location of roadway access points.
  - (e) Parking areas.
  - (f) Setbacks.
  - (g) Existing structures.
11. An estimated daily water budget that describes all the ways that water will be used in the nonmetallic mining operation including, but not limited to; the water required for the entire mine site whether for mining, human use or any function; the sources of water and all process in which the water will be used, methods for treating, handling and disposing of water; volume of water consumed and discharged, and all individual volumes of each stream of excess water and waste water diverted from the site as run-off, stormwater, dewatering or any other mechanism.
  12. A description of all hazardous materials and hazardous wastes as defined by State and/or Federal standards, including fuel supplies that will be stored on site and a description of measures to be used for securing and storing all hazardous materials and hazardous wastes stored on site.
  13. A description of the measures that will be used to contain and remediate any spill or accidental discharge and notify, at minimum the following agencies as to the type, volume and location of any hazardous waste kept on a nonmetallic mining site: Dunn County Sheriff's Department, Emergency Management Coordinator, and local fire protection district.
  14. A map of all proposed transportation routes, within the county, to be used to transport the nonmetallic mineral materials from the mine to off-site processing plants or markets, including the frequency of traffic, type of vehicle used in transport, average loaded weight of vehicle, and the common schedule of travel to be used for transporting.
  15. A transportation impact analysis in accordance with Wisconsin Department of Transportation Standards.
  16. A description of which, how and where chemicals will be used on site whether for the manufacturing or processing operations, in controlling dust, maintenance or other facility needs, along with a description of the measures that will be used to secure, store and/or remediate these materials in the event of a spill or accidental discharge.
  17. A description of the distribution, thickness, type of existing topsoil and plans for topsoil storage.
  18. A description of measures to be taken to control noise, dust and vibrations from the operations, along with a statement of the proposed frequency of blasting, if any, to be used in the operation.
  19. A description of the mining methods, machinery and equipment to be used for extraction and processing of extracted material.
  20. A description of measures to be taken to screen the operation from view with earth banks, vegetative or other screening devices.

21. A lighting plan for the nonmetallic mining operation; including the type and style of lighting to be used and its power source.
22. A description of measures to be taken to assure compliance with applicable air, water quality and other environmental standards as required by State and Federal laws.
23. The Board of Adjustment may request additional or further information or materials from the applicant beyond that submitted by the applicant to enable the County and/or the Board of Adjustment to adequately analyze the proposed operation in light of the standards imposed by this ordinance. The Board of Adjustment may request additional information at any time during the application process and the applicant shall submit the requested information before further proceedings take place.
24. The Board of Adjustment reserves the right to retain or appoint third party experts and/or legal professionals as the Board deems prudent to examine the application and to make recommendations to the Board of Adjustment on whether the nonmetallic mining operation proposed by the applicant will meet the standards of this ordinance, to assist in evaluating special exception requests and considering conditions, and to assist the Board in administering and enforcing the ordinance. The applicant shall pay for the reasonable cost of all third party experts as a condition of approval.

F. Permit Process

Ten (10) paper copies and one (1) digital copy of the application shall be submitted to the Zoning Administrator in the County Zoning Office.

2. The Zoning Administrator will distribute one copy of the application to each member of the Board of Adjustment and Corporation Counsel.
3. The Zoning Administrator shall make a completeness determination within 30 business days of receipt of the application. When the Zoning Administrator believes that the application is complete, that he/she needs no further information or clarification, he/she shall notify the applicant in writing and provide a hearing date for the applicant before the Board of Adjustment in accordance with section 9.2.06 of this Ordinance.
4. The Board of Adjustment shall render a decision within 60 days of the completion of the public hearing.

G. General operating requirements. The following requirements shall apply to nonmetallic mining operations:

1. Property Protection.

- (a) Buffer zone. A buffer zone of a least 100 feet from the active mine boundary to adjoining property lines and 200 feet from the nearest right of way shall be provided. The buffer zone shall be maintained at all times. This shall not apply when the railroad access for a transloading facility is within 200 feet of the right of way.

- i. Parking areas, unprocessed and processed materials stockpiles, equipment storage, fueling stations, other related accessory uses such as offices and scales, are not allowed within the buffer zone.
  - ii. Areas within the buffer zone may be used for earthen berms, topsoil stockpiles, fencing, and egress/ingress but may not be used for internal haul roads. The Board of Adjustment may require additional screening to buffer the nonmetallic mining operation from and neighboring properties and uses.
- (b) Boundaries of nonmetallic mining operations that will exceed 25 acres over the life of the mine shall not be located within 1,320 feet of a residential district or 500 feet of any existing residence, not including the residence of the owner of the mine site.
2. Screening. Where practical, an earth berm and/or vegetative screen shall be erected and maintained to screen the mined area. When using vegetation to screen the site, the vegetation must be at least 4 feet in height at the time of planting. The Board of Adjustment shall determine the practicality and necessity of aesthetic screening in each individual mining operation.
3. Gating. The Board of Adjustment may require the nonmetallic mining operation to be gated.
4. Lighting. Lighting shall be limited, to that which is minimally necessary for safe mining operations and security. All lighting shall be shielded and pointed downward to avoid illuminating off-site.
5. Onsite fuel storage. All petroleum products kept onsite and related to the mining operation shall be stored in state approved fuel storage containers and shall be in accordance with all applicable standards for storage and fueling areas. All petroleum product storage tanks shall provide leak proof containment not less than 125% of the tank capacity. Where fueling trucks are used to refuel equipment onsite, all fueling must occur on a fueling absorption pad to minimize any leakage.
6. Maximum Hours of operation. Non-metallic mining operations shall be limited to reasonable hours. The nonmetallic mining site shall only operate and remove materials from 7:00 am. to 7:00 pm. during Daylight Savings Time and 7:00 am. to 5:00 pm. during Standard Time, Monday through Friday. Saturday hours of operation are limited to 7:00 am. to 3:00 pm. with no mining or material removal allowed on Sundays or Holidays unless the owner/operator of a nonmetallic mining site notifies the zoning administrator within 48 hours of its operation on Sundays, holidays or outside of stated hours of operation when a natural disaster has occurred necessitating the need for nonmetallic mining materials for emergency repair work.
7. Noise. White noise back up beepers shall be installed on all equipment requiring beepers per OSHA and MSHA standards.
8. Dust. The operator shall utilize appropriate best management practices to control fugitive dust as specified in Wis. Admin. Code NR 415.075. The fugitive dust plan may include the paving of the main interior haul roads, watering processed and unprocessed stockpiles, using sweepers to clean all paved surfaces within the

mine and on the public road, minimize the size of stockpiles, increasing the distance stockpiles are located to a property line beyond the buffer zone.

Operators of nonmetallic mining operations that process silica sand for industrial use shall monitor the ambient level of airborne particulate matter of 2.5 microns in size (PM2.5) and Total Suspended Particulates (TSP), measured by the method described in Appendices L and B, respectively, of 40 CFR part 50 (2011) or by a method approved by the County in consultation with the County's retained experts. The type and number of monitors, locations, frequency and duration of the monitoring program shall be determined by the County after consultation with its retained experts and operator. Air monitor results inclusive of any applicable regional background concentration and showing more than 35 micrograms of PM2.5 or over 150 micrograms of TSP per cubic meter of air in a twenty-four (24) hour period shall require the operator to evaluate and implement additional best management practices to minimize the PM2.5 emissions or TSP. All costs of air monitoring and corrective measures shall be borne by the operator. The operator shall compile summaries of air monitoring results that shall be provided to the County within ten (10) days of when the test results become available to the operator.

9. Blasting. All blasting shall be done in conformance with state and federal guidelines and requirements. Blasting hours may be regulated by the conditions placed on the special exception use permit by the Board of Adjustment. Notification must be provided to the Zoning Administrator, adjacent neighbors within 1,320 feet, and any other local resident within a mile who files a written request for notification with the operator. Any required notification shall be given at least 24 hours prior to any blasting.
10. Blasting logs. Blasting logs shall be provided to the County on a quarterly basis and within 48 hours of a written request from the Board of Adjustment.
11. Groundwater Protection.
  - (a) Nonmetallic mining operations and reclamation shall be conducted in a manner that does not result in; groundwater becoming unfit for human consumption; significant changes from baseline conditions outside the mine site boundary, exceedance of any groundwater quality standard in Wis. Admin. Code chs. NR 140 and NR 809; exceedance of any state or federal health advisory limits.
  - (b) Nonmetallic mining operations and reclamation shall be conducted in a manner that does not cause a lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to current and future users.
  - (c) Any wash ponds and settling ponds that have chemicals introduced to them shall have 5 feet of separation distance to bedrock and to the groundwater elevation, and shall have an impervious liner. The operator is responsible for maintaining all aspects of the wash and settling ponds, including impervious liners and ensuring that releases from the ponds to the groundwater shall not occur. Any portion of any pond to which chemicals were introduced that

exists at an elevation below the projected post-reclamation water table, shall be fully excavated and removed during the reclamation and prior to allowing the water table to rise to the elevation of the pond bottom.

- (d) The operator shall submit a detailed hydrogeologic report. The operator shall be required to reimburse the county for the expense of professional work or opinions in review of such hydrogeologic report. The hydrogeologic report shall provide the following information, as well as a description and justification of all hydrologic methods used including determination of existing conditions used to establish baseline data, including but not limited to:
- i. Analysis of groundwater quality of private wells within one-half mile of the mine site and on the mining site consistent with Wis. Admin. Code ch. NR 140.20, including any periodic testing required by the Board of Adjustment.
  - ii. Identification of all known contaminated groundwater resources within one-half mile of the mining site.
  - iii. Identification and location of all known karst features such as sinkholes, stream sinks, springs, caves, or faults within one-half mile of the mining site.
  - iv. Identification, location and elevation of all surface waters and headwaters within a minimum of one-half mile of the mining site. Elevations must include the existing water level, as well as the ordinary high water mark where applicable.
  - v. Identification of all existing groundwater users (e.g. neighboring private water-supply wells, well head protection areas, municipal wells, irrigation wells) within one-half mile of any portion of the mining site consistent with Wis. Admin. Code ch. NR 812. Well construction reports including well location, well depth, depth of casing, depth to water, and aquifers penetrated shall be identified where data exists.
  - vi. Elevation of the water table, groundwater flow directions, and groundwater velocities.
  - vii. The information required above shall be presented in the form of a brief report including one or more maps at a scale of not less than 1 inch equals 330 feet and at least two geologic cross-sections passing through the proposed excavation. All horizontal and vertical measurements shall be referenced to a permanent reference point of the Dunn County Coordinate System.
- (e) Proposed operational data, including but not limited to:
- i. Elevation of the lowest point of mining and dewatering activities below the pre-mining water table.
  - ii. Description of the means planned to prevent surface water running into the excavation.

- iii. Where dewatering is proposed, provide pumping rates and times; elevation of the proposed groundwater draw down level; and identification of groundwater discharge locations and quantities.
  - iv. A groundwater monitoring program to ensure compliance with 11(a) and 11(b) above. Such program shall include the installation of monitoring wells upgradient and downgradient of the proposed area of excavation to measure groundwater elevations, quality, flow directions, and velocities. All proposed monitoring well locations shall be shown on a map provided with the hydrogeologic report required above.
- (f) The Board of Adjustment may require the applicant to provide additional relevant hydrogeologic studies such as groundwater modeling, when:
- i. Dewatering is proposed at the mining site;
  - ii. Known contaminated groundwater resources in excess of any NR 140 Preventive Action Limit exist within one-half mile of the mining site;
  - iii. Known karst features such as sink holes, stream sinks, springs, or caves exist within one-half mile of the mining site;
  - iv. Exceptional, outstanding, and/or 303d WDNR-listed waters exist within one-half mile of the mining site; or
  - v. Existing wells using the same or a shallower aquifer exist within 1200 feet of the mine site.
- (g) If groundwater modeling is required, the following minimum information shall be provided:
- i. Description and justification of all input data to groundwater models.
  - ii. Calibration of all groundwater models.
  - iii. Sensitivity analysis for all groundwater models.
  - iv. Detailed output from the hydrologic methods including the elevation of the water, elevation of the cone of depression caused by dewatering, groundwater flow directions, groundwater velocities, mounding elevations, and any potential effects on nearby surface water, springs, or users of surface and groundwater.
  - v. Description of the possible existence of fractures or solution cavities in the geologic material and their effect on groundwater flow and land stability.
- (h) As a condition of approval, the operator shall accept responsibility for remediation of any spill, release, accidental discharge, waste accumulation, or similar concern, of a hazardous, chemical, or otherwise actionable nature caused or exacerbated by the mining operation. Should the operator fail to comply with this provision in a timely manner the permit may be revoked.
12. The operator must promptly disclose any and all notices received from any other government body or agency of violation, citation, or other enforcement action affecting or related to the mine site and site operations, including off-site hauling, waste or other activities.

- H. Factors to be Considered. A special exception use shall only be granted if it is found that the application meets the requirements of Section 9.2.03 of this ordinance. In addition to the standards under Section 9.2.03, the Board of Adjustment shall consider the cumulative impacts of all land uses within the county of the proposed mining operations. The Board of Adjustment may impose conditions that include, but are not limited to, restrictive provisions and proof of financial security for county and town road maintenance and repair, restrictions on hours of operation, restrictions on truck routes on town and county roads, restrictions on truck and traffic volume in to and out of the mine site, restrictions to protect the groundwater quantity and quality, restrictions to safeguard public and private drinking and agricultural wells, restrictions to control air emissions and dust from the mine and its operations and any other restrictions deemed necessary and appropriate to protect the public health, safety and welfare.
- I. Financial Assurance. To assure site reclamation, the applicant shall submit a financial assurance that conforms to Chapter 20.
- J. Permit Review, Emergency Review, Site Modification, Transfer of Permit, Cancellation and Termination.
1. The Board of Adjustment shall review original permits 2 years from the date of issuance at a public hearing and shall review the permit then in effect every 5 years thereafter. The purpose of this review is to determine compliance with the permit, environmental standards, laws and regulations, and any complaints registered with the Board. The applicant will be responsible for the public hearing fees. Should the review determine that the operator is currently failing to operate in compliance, or has had several violations of the permit terms, county ordinance, or state and/or federal laws, then the Board of Adjustment may appropriately modify or rescind the permit. Should the Board of Adjustment, through the review determine new instances of non-compliance or other violations of county ordinance, state and/or federal law (issues which had never before been the subject of an enforcement action) the Board may allow the operator not less than 60 days to rectify any instances of non-compliance or other violations. If, after the time allowed there remain unresolved compliance violations, the permit may be rescinded.
  2. The Board of Adjustment may, with 5 days notice to the operator, require an emergency review. Emergency reviews shall be based on instances of significant non-compliance, or immediate concerns with human health, safety or the environment. Should the Board of Adjustment, through the emergency review determine instances of non-compliance or other violations of the permit, county ordinance, state and/or federal law the Board may allow the operator not less than 60 days to rectify any instances of non-compliance or other violations. If, after the time allowed there remain unresolved compliance violations the permit may be rescinded.
  3. Permit Modification. An operator may apply in writing for a modification or

cancellation of a permit or for a change in the nonmetallic mining operation plan for a mining site. The application for permit or plan modification shall be acted on using the standards and procedures of Section 7.4. The application for a site modification shall be processed in the same manner as an original special exception use application for a nonmetallic mining extraction permit.

4. Transfer of Permit. When one operator succeeds to the interest of another in an uncompleted site, the department shall release the first operator of the responsibilities imposed by the permit only if:
  - (a) Both operators are in compliance with the requirements and standards of this chapter.
  - (b) The new operator assumes the responsibility of the former operator to complete the nonmetallic mining operation of the entire project site in writing.
  - (c) The new operator shows proof of financial responsibility in substantially the same manner and amount as the previous operator and agrees to maintain the fee deposit.
4. Failure to comply with the requirements of this section automatically terminates the permit.

#### K. Inspections.

1. Upon issuance of a special exception use permit for the purpose of mining, the operator is deemed to have consented to allow inspections by the Board of Adjustment, County or its approved agents. Such inspections are for the purpose of determining compliance with the provisions of this Chapter and the terms of the permit. Access shall also be provided should the County have concerns related to the protection of human health and safety of the public. Inspections may occur with or without notice to the nonmetallic mineral mine operator and upon showing of proper identification.
2. Approved agents of the Board of Adjustment or County may inspect any required records of a mining operation to determine compliance with the provisions of this section. All required records shall be made available to an approved agent within a reasonable time. Any public or private complaint against an operator may result in an inspection of the mining operation to determine the validity of the complaint.

#### L. Other Requirements.

1. Mine operators shall comply with town, county, state, and federal regulations and amendments thereof, including air, water quality and other environmental standards.
2. Any road agreements between the applicant and the town or the County Highway Department shall be incorporated into and become part of the special exception permit.

**Section 7.4.025 Nonmetallic Mining Standards for site of Less than Twenty-Five (25)**

**Acres**

- A. All operators seeking a special exception permit for a nonmetallic mining site of less than 25 acres (based on the life of the mine) shall apply on forms provided by the County and according to the policies of the Zoning Division.
- B. Content of Application. The application for a special exception use permit shall be accompanied by a plan which shall include the following information:
  - 1. A map and/or aerial photograph and accompanying materials which indicates the following:
    - (a) Boundaries of the affected land and abutting properties, including names of the owners of subject property and abutting property owners.
    - (b) Surface drainage of the affected land.
    - (c) Location and names of all streams, roads, railroads, utility lines and pipelines on and/or immediately adjacent to the area.
    - (d) Location of all structures within 1,000 feet of the outer perimeter of the area; present owners and occupants of such structures and purposes for which each structure is used.
    - (e) Proposed location, extent and depth of intended sand, gravel, and rock.
    - (f) Proposed location of the waste dumps, ponds, sediment basins, stockpiles, including setbacks.
    - (g) Estimated depth to groundwater.
  - 2. A description of the excavation and processing equipment to be used.
  - 3. A description of measures to be taken to control noise and vibrations from the operation.
  - 4. A description of the proposed hours of operation.
  - 5. A description of measures to be taken to screen the operation from view.
  - 6. Proposed primary travel routes to be used to transport the excavated material to and from the property.
  - 7. A statement in writing to indicate the timetable of the commencement, duration, and cessation of operations and such other information as may be necessary to determine the nature of operations, its conformance with this ordinance, and the effect of the operation on surrounding properties.
  - 8. A transportation impact analysis.
- C. Non-metallic mineral extraction operations shall conform to the following requirements:
  - 1. Unless waived in writing by the adjoining property owners, all sand, gravel and rock excavation operations shall be set back at least 200 feet from all right of way lines and at least 100 feet from all property lines and the excavation shall be at least 500 feet from any existing residence. The Board of Adjustment may allow the operator to stockpile overburden and construct berms within the setback distances, if such activity does not violate Section 9.2.03(c) of the Ordinance.

2. All excavation access roads shall be maintained with dust control measures and a stop sign shall be located where it intersects a public road. Such access roads shall be authorized by evidence of an access permit.
  3. All equipment used for the production of rock and gravel shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noise, vibration or dust which are injurious or adversely affects persons living in the vicinity.
  4. The Board of Adjustment may require screening and restrict the hours of operation if warranted by existing conditions.
  5. Any water to be disposed of must be done so in a manner that will not adversely affect any surrounding property owners.
  6. All blasting shall be done by state licensed and certified blasters.
  7. All temporary structures, equipment, rubble or other debris shall be removed from the site within 90 days of final operational activities.
- D. Industrial sand mines shall not be permitted in accordance with this section. All industrial sand mines of any size must be permitted in accordance with Section 7.4.02

**Section 13.** Sections 9.5.01 and 9.5.02, and Appendices A, B and C of the Dunn County Comprehensive Zoning Ordinance are hereby repealed.

**Section 14.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**Section 15.** This Ordinance shall become effective upon passage and publication as provided by law. (This ordinance will not be codified.)

Dated this 17<sup>th</sup> day of October, 2012, at Menomonie, Wisconsin.

OFFERED BY THE PLANNING, RESOURCES &  
DEVELOPMENT COMMITTEE

\_\_\_\_\_  
Joe Plouff, Chair

ENACTED ON: \_\_\_\_\_

PUBLISHED ON: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Marilyn Hoyt, County Clerk

Approved as to Form and Execution:

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Scott L. Cox, Corporation Counsel

COUNTERSIGNED:

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Steven Rasmussen, County Board Chair