

## **17.29 INDUSTRIAL DISTRICTS.**

### **M-2 INDUSTRIAL EXTRACTIVE DISTRICT.**

**DEFINITIONS.** In Section 17.29, unless the context dictates otherwise, the following definitions shall be used.

**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, 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.

**NON-METALLIC MINERAL PROCESSING.** To beneficiate, concentrate, screen, sort, clean, wash, dry, package, containerize or apply coating to a non-metallic mineral or non-metallic mineral aggregate, by product, co-product, waste or waste product.

**NON-METALLIC MINING.** Means any of the following:

- a. Extraction from the earth of stone, non-metallic mineral aggregates, or non-metallic 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 crushing, screening, sorting, separation, blending or coating of the mineral aggregates or non-metallic minerals obtained by extraction from the mining site or with minerals transferred from off-site.
- c. Manufacturing processes aimed at providing non-metallic products, except for construction aggregate, for sale or use by the operator.
- d. Stockpiling or transloading of non-metallic products for sale or use off-site and stockpiling of waste materials or materials intended for use in mine reclamation.
- e. Transport of extracted non-metallic materials, finished products, or waste materials to or from the extraction, manufacturing or processing site located in the unincorporated areas of Jackson County.

- f. Disposal of non-metallic mining waste materials as defined in this ordinance.
- g. Reclamation of lands and waters that have been impacted by non-metallic mining.

**NON-METALLIC MINING OPERATION.** The extraction from the earth of stone, non-metallic mineral aggregates and/or non-metallic minerals for sale, profit or export from the site of origin, and related operations, processes and activities, including but not limited to removing of overburden, drilling, blasting, excavating, grading, dredging, stockpiling, crushing, screening, sorting, scalping, dewatering, drying, coating, blending, packaging, containerizing, storing of non-metallic minerals, non-metallic mineral aggregates, overburden, top soil, waste rock, production by products or mining wastes. It includes activities and operations performed within the active mine boundary to construct, operation or maintain any machines, equipment, building, tank, pond, lagoon, structure or facility used in conjunction with any non-metallic mining, non-metallic mineral processing, handling, or disposal at the mine site of any non-metallic mining waste material and non-metallic mining reclamation. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of non-metallic minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

**NON-METALLIC 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 other spaces.

- (a) Principal Uses. Non-metallic mineral extraction operations, processing of non-metallic minerals and concrete products manufacturing, provided a conditional use permit has been issued.
- (b) Conditional Uses. Extension or alterations of legally existing non-metallic mineral extraction operations and the manufacturing of asphalt, concrete and concrete products or the creation of new extraction or manufacturing operations. See 17.41.
- (c) Yards. Minimum of 100 feet from any right-of-way of a public road and 100 feet from the external boundaries of the site. Minimum of 100 feet from any right-of-way or property line for accessory uses such as offices, parking areas and stockpiles, see 17.41 for additional setback requirements.

(d) Maximum Structure Height. 45'.

**17.41 MINERAL EXTRACTION OTHER THAN IRON ORE MINING, BENEFICATION AND PROCESSING OF IRON ORE CONCENTRATES.** No non-metallic mining or processing operation shall be located in the County except in conformance with a plan approved by the Zoning and Land Information Committee. A Conditional Use Permit is required for the expansion or alteration of any existing non-metallic mining or processing operation. Non-metallic mining and processing operations shall meet the following requirements:

- (1) In addition to the site plan required under Section 17.17, the applicant shall furnish a plan of operation describing the design, management and operation of the facility. Such plan shall include:
  - (a) A description of the mining process, sequence of operations, operational schedule (including years of operation and daily operational schedule), and estimated volumes of material to be removed or processed on an annual basis for the life of the operation.
  - (b) A list of equipment, machinery and structures to be used.
  - (c) The source, quantity and disposition of any water which may be used.
  - (d) A topographic map of the site showing the existing topography at maximum vertical contour intervals of five (5) feet.
  - (e) The location of trees and a description of the existing ground cover.
  - (f) A map at a scale of not less than 1 inch equals 660 feet showing the extent of the extraction area, and describing the direction, length, width and the depth of all existing and proposed excavations.
  - (g) The location of existing and proposed public or access roads, and a transportation plan describing transportation routes, traffic volumes and frequency, load weights, schedule and general approach for the receipt and/or transport of materials.
  - (h) The location of all existing buildings and structures within 300 feet of the site boundaries.
  - (i) The names of all property owners within 300 feet of the site boundaries.
  - (j) Restoration of the property complying with all applicable provisions of Chapter 24 of the County Code of Ordinances. This is the Non-Metallic Mining Restoration/Reclamation Ordinance for Jackson County. Sites where the material to be used or sold is generated incidentally to the

primary purpose of the project, including but not limited to the creation of wetlands, ponds and sedimentation basins shall be exempt from this provision. Required restoration of these sites is limited to a revegetation plan.

- (k) Verification that the applicant has requested that a cultural resource site review be performed by the Department of Natural Resources or other agency or company certified to do such a review by the WI-DNR and that the site review has been completed. A copy of the site review report must be provided to the County prior to the issuance of a conditional use permit.
- (2) The Zoning and Land Information Committee shall consider the effects of the proposed operation upon existing streets/roads, neighboring land uses, future land uses, drainage, water supply, soil erosion, natural beauty, character and land value of the locality. The Committee shall also consider the potential effects of increased dust, smoke, odor, noise, vibration, traffic and the practicality of restoring the site.
- (3) No non-metallic mining or processing operation shall be located within 300 feet of a residence other than that of the landowner or applicant or within 50 feet to a school or institution.
- (4) The Zoning and Land Information Committee may require that the site be enclosed by a suitable fence to prevent unauthorized entry.
- (5) The Zoning and Land Information Committee may require that the site be enclosed by a suitable fence or vegetation screen so that materials are not visible from neighboring property and public right-of-ways including roads, streets, highways and waterways.
- (6) 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.
- (7) The operator shall perform the following monitoring and testing at the operator's expense using an independent, licensed, third-party and using a certified laboratory approved by the Jackson County Zoning and Land Information Committee:

- (a) For mining operations involving extraction, processing, stockpiling, or overburden disposal, the operator shall install a groundwater monitoring well network for the purposes of establishing the actual baseline groundwater quality and elevation at the facility site and for monitoring changes to the groundwater elevation, quality and quantity over time. The monitoring network shall have at least one monitoring well at the boundary of the site that is down gradient of the groundwater flow. The network shall consist of sufficient monitoring wells located in the down gradient direction of groundwater flow to allow for the monitoring of groundwater elevations. The Jackson County Zoning and Land Information Committee may request additional monitoring wells based on hydrology, site conditions, and characteristics of the operation. The operator shall take quarterly samples of the monitoring well(s) for lead, arsenic, turbidity, total suspended solids, chlorides, nitrates, specific conductivity and any other toxic substance that may reasonably be believed to be present in the area or in the type of deposit from which the extraction will be made during the first two years of operation and twice a year in subsequent years. The monitoring well network shall be designed by a professional hydrologist or professional engineer specializing in hydrogeology and reviewed and approved by the Jackson County Zoning and Land information Department or its designees in advance of well installation. Analysis of the monitoring well samples shall be conducted by a certified laboratory with all groundwater monitoring activities at the expense of the operator.
  
- (8) The Zoning and Land Information Committee reserves the right to place additional conditions on non-metallic mining operations to insure the health, safety and welfare of the residents of Jackson County.