

Buffalo County Ordinance

Drafted By:

Peter Stoltzman

Presented Month/Year:

April, 2013

Involved Committees:

Zoning



County Department:

Land Resources

Fiscal Impact: No

AC Approved: Yes

ORDINANCE # 13 -04 -01

**AN ORDINANCE TO AMEND THE BUFFALO COUNTY CODE OF ORDINANCES
ENTITLED "BUFFALO COUNTY ZONING ORDINANCE"**

The Board of Supervisors of Buffalo County hereby ordains as follows:

WHEREAS, On March 6, 2013 the Buffalo County Zoning Committee considered proposed amendments to a code of ordinances entitled "The Buffalo County Zoning Ordinance" and placed the same on file in the Office of the County Clerk for two weeks prior to April 3, 2013 and;

WHEREAS, the Buffalo County Zoning Committee held a public hearing on April 3, 2013 for the purpose of gathering testimony and developing a final draft of said amendments to recommend to the Buffalo County Board of Supervisors, and;

WHEREAS, notice of this meeting and the Board's final consideration of adoption, was published in the "2013 Buffalo County Official County Newspaper" in accordance with s.66.0103 Wisconsin Statutes, and;

WHEREAS, it is the recommendation to the Buffalo County Board of Supervisors to adopt said amendments as approved by the Buffalo County Zoning Committee during their April 3, 2013 committee meeting;

NOW, THEREFORE BE IT ORDAINED that the Buffalo County Board of Supervisors hereby adopts the following amendments to the code of ordinances entitled "The Buffalo County Zoning Ordinance" which shall be kept permanently on file and open to public inspection in the Office of the Buffalo County Clerk:

Buffalo County Zoning Ordinance Amendments

Change all references to the "Zoning Department" to "Land Resources Department"

Change all references to the "Zoning Administrator" to "Land Resources Director"

Change all references to the "Zoning Committee" to "Land Resources Committee"

Remove ARTICLE XXVIII. MORATORIUM, including Sections 280, 281, 282, 283, 284, and 285, from the Buffalo County Zoning Ordinance.

Move the definitions to ARTICLE I. of the Buffalo County Zoning Ordinance and renumber the existing articles and sections within the articles accordingly

ARTICLE I. DEFINITIONS

For the purpose of this ordinance certain terms and words are defined as follows:

1. 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.
2. Building: Any structure used, designed or intended for the protection, shelter or roofed enclosure of persons, animals or property.
3. Building, Accessory: Any building except the principal building on a lot. In the case of a house and detached garage on a lot the accessory building is the garage.
4. Building, Height of: The vertical distance from the average established street grade in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
5. Campgrounds: Means real property that is available for use for camping units, and is intended for camping or outdoor recreation, including the use of designated campsites and campground amenities such as an office, restroom facilities, and/or sewage transfer station, but does not include a manufactured and mobile home community. (7-15-08)
6. Camping Unit: Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle. (7-15-08)
7. Closed Fence: Any fence which obstructs vision through the fence 50% or more when viewed from a right angle to the line of the fence. (2-27-89)
8. 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, but not limited to, 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, 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.
9. County: Means Buffalo County, including any agency, department or committee thereof.

10. County Highway Commissioner: Means the Buffalo County Highway Commissioner or their designee.
11. Department: Means the Buffalo County Land Resources Department.
12. Driveway: Means a private road within the highway right of way giving access from a public roadway to a building or other land use on abutting grounds.
13. Family: A group of persons related by blood or marriage, living together as a single housekeeping unit.
14. Farm Mobile Home: A family mobile home on any operating farm when the head occupant of the household of such mobile home is employed in connection with the farm operation. Such farm shall be a minimum of 35 contiguous acres. (3-10-09)
15. Floor Area: The area within the outer lines of the exterior walls of a building, at the top of the foundation of basement wall: Provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics and garages.
16. Fur Farm: A licensed fur animal farm requiring a license by the Department of Natural Resources pursuant to Sec. 29.575, Wisconsin Statutes. (2-27-89)
17. Grade: means the slope of a road, street, alley, footpath, lot or block, specified in percent.
18. Grade, Established: The elevation of the finished street at the centerline or curb as fixed by such authority as shall be designated by law to determine such elevation.
19. Hazardous Materials: Means any substance or combination of substances including any waste of a solid, semi-solid, 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.
20. Home or farm based business: Any occupation, business or profession not considered an accessory use or listed as a permitted or conditional use within the district or not considered a home occupation under Article IV III, #8, which is owned and operated by a resident occupant for their gain or support and contained entirely within buildings. No more than the equivalent of 3 full-time employees including the owner/occupant shall be employed in the business. If located in a dwelling, the business shall not occupy more than 50% of the total gross area of the dwelling unit. If located in a structure or structures other than a dwelling unit, the business shall not occupy more than a cumulative total of 3,000 square feet of the structure(s). All resulting noise, odor, dust, smoke, glare, refuse, matter, vibration, and effluent shall be confined to the premises and have no substantial measurable or annoying qualities beyond said premises. Such businesses include, but are not limited to: Welding and metal fabrication, woodworking shops, gunsmithing and sales, art studios, taxidermy, small engine repair, assembly of

component parts in to a final or intermediary finished product, barber and beauty shops. (12-17-96)

21. 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.
 - 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 on the mine site of industrial sand products, nonmetallic mining waste materials, or topsoil intended for use in reclamation of the mine site.
 - e. Reclamation of the mine site.
 - f. Transport of industrial sand or nonmetallic waste materials to or from the extraction, manufacturing, or processing site located in the unincorporated areas of Buffalo County.
22. Land Resources Director: Means the position described in Section 190.
23. Lot: A parcel of land described in a recorded plat or by deed and abutting on a public street.
24. Mine Operator or Operator: Any person who is engaged in, or who has applied for a permit to engage in nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
25. Mine Site or Site: The location where a nonmetallic mining operation is conducted or permitted 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. means land from which mineral aggregates or nonmetallic minerals will be extracted for sale or use by the land owner or any agent of the land owner, including all land on which is or will be located any structures, equipment, storage facilities, washing or screening facilities, private roads or haulage ways associated with nonmetallic mining

- operations; and all contiguous lands to the nonmetallic operation under common ownership or control of the owner or his/her agent.
26. Mini-Storage Facility: An unoccupied compartmentalized warehouse building having one or more overhead doors serving each compartment and used for the purpose of storage of residential household goods, boats or motor vehicles. (7-16-91)
27. Mobile Home: All portable units intended for occupancy as a year round permanent residence and so placed as to be substantially affixed to the site.
28. Mobile Home Park: An area on which is provided the required space for accommodation of mobile homes together with necessary accessory building, driveways, screening and other required adjuncts.
29. Nonmetallic minerals: Has the meaning of Wis. Admin. Sec. NR 135.05(11) and includes means a product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, non-renewable material. Nonmetallic minerals include but are not limited to stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.
30. Nonmetallic Mineral Mining or Nonmetallic Mining: means any of the following:
- a. ~~Extraction from the earth of mineral aggregates or nonmetallic minerals for off site use or sale, including drilling and blasting as well as associated activities such as excavation, grading and dredging of such minerals.~~
 - b. ~~Manufacturing or processing operation that may involve the use of equipment for the crushing, screening, separation, cleaning or blending 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 for sale or use by the operator~~
 - d. ~~Stockpiling of nonmetallic products for sale or use off site and stockpiling of waste materials.~~
 - a. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining 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. Processes carried out at nonmetallic mining sites that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from nonmetallic mining sites. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.
 - c. 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 Buffalo County.

- d. Disposal of nonmetallic mining waste materials.
 - e. Reclamation of extraction mine sites.
 - f. Industrial Sand Mining
 - h. Loading/unloading facilities.
31. Nonmetallic Mining Structures: Means 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, mechanical shops, paved parking surfaces and office space.
32. Nonmetallic Mining Waste Material: Means the non-marketable by-product that results directly from or is displaced by extraction or that is a by-product of a manufacturing process that is scheduled for disposal at the extraction site of a nonmetallic mine site or processing operation or some other site as part of a reclamation plan.
33. Pavement: Means a material installed to formulate a semi-permanent surface onto the roadway width.
34. Permit: Means the written authority granted by the Department to conduct any activities regulated by this ordinance.
35. Reconstruct: Means to remove a driveway, or any of the structural portions of a driveway and construct again or replace the driveway with new or additional structural portions excluding the pavement surface.
36. Recreation Camp: An area containing one or more permanent buildings used for the accommodation of guests for recreational purposes.
37. Registered Professional: Means an Engineer, Surveyor, or Landscape Architect registered and certified to practice within the State of Wisconsin
38. Roadside Stand: A structure having a ground area of not more than 300 square feet, readily removable in its entirety and used solely for the sale of farm products raised on the premises.
39. Roadway: Means any public road, street, highway, alley (in towns), or portion thereof.
40. Shoulder Point: The edge of the paved or gravel shoulder, generally 2 feet to 6 feet, outside the driving lane.
41. Sight Distance: Means the distance from the entry point onto the highway to the point at which safe visual contact with oncoming traffic ceases to exist.
42. Sign: Any device used for the purpose of visually bringing the attention of the public to its subject matter while viewing the same outdoors.
43. Structure: Anything erected or constructed.
44. Trailer: A portable vehicle designed and used for temporary sleeping purposes while its occupants are actively engaged in the pastime of camping.
45. Transloading: The process of transferring a shipment of product from one mode of transportation to another. Transloading can also include transferring a shipment of product from one mode of transportation to the same or similar mode.
46. Use, Principal: The primary use of a property or structure.
47. Use, Accessory: A use customarily incidental to the principal use and on the same lot as the principal use.

48. Wetland: Has the meaning established by Wisconsin State law: An area where water is at, near, or above the land surface long enough to be capable of supporting hydrophytic vegetation and which has soils indicative of wet conditions.

ARTICLE IV.

RESIDENTIAL (R) DISTRICT

Section 42

Prohibited Uses

- 1 Nonmetallic Mining

ARTICLE V.

AGRICULTURAL (A) DISTRICT

Section 50

Permitted Uses

- 8 Temporary concrete or asphalt mixing plants operated in conjunction with and accessory to a permitted nonmetallic mine not to exceed a period of 90 days from the date of issuance of a zoning permit granting the said use.

Section 51

Conditional Uses

- 1 Nonmetallic Mining ~~Manufacturing and processing of natural mineral resources indigenous to Buffalo County incidental to the extraction of sand and gravel and the quarrying of limestone and other rock for aggregate purposes, including the erection of buildings, and the installation of necessary machinery and equipment incidental thereto, but not the storage of cement, asphalt, or road oils or the mixing of concrete or black top or related materials, provided that any county, town, or municipal government or its agent may store or mix such materials when incidental to the improvement of highways or streets.~~
- 7 Mobile home parks under the provisions established for mobile home parks in Section 41 31.
- 11 Dumping grounds or sanitary landfills, junk or salvage yards provided (a) they are located not less than 1000 feet from any building designed for human habitation and not less than 500 feet from the centerline of any Federal, State, County Highway or Town Road; (b) unless effectively screened by existing terrain, they are screened by a planting screen as provided in Section 41.1(e) 31.1(e).
- 20 Concrete or asphalt mixing plants which remain stationary for more than 90 days

ARTICLE VI.

RECREATIONAL (REC) DISTRICT

Section 60

Permitted Uses

- 12 General farming, as regulated in Section 50 40.

Section 61

Conditional Uses

- 2 Mobile home parks, under the provision established for mobile home parks in Section 41 31.

- 8 Campgrounds as regulated in Article V IV, Section 51.19 41, 19(a—l), except that the number of campsites may exceed 20 upon approval from the Board of Adjustment. (7-15-08)

Section 62

Prohibited Uses

- 1 Nonmetallic Mining

ARTICLE VII.

COMMERCIAL (C) DISTRICT

Section 72

Prohibited Uses

- 1 Nonmetallic Mining

ARTICLE VIII.

INDUSTRIAL (I) DISTRICT

Section 81

Conditional Uses

- 2 Automobile salvage and wrecking establishments, junk scrap, paper, rag storage and baling establishments provided they are contained within completely enclosed buildings or screened by planting screen as provided in Section 40.1(e) 30.1(e).
- 4 Nonmetallic Mining
- 5 Transloading Facilities

ARTICLE XIV

Dimensional Requirements Section 140.

Dimensional Requirements For Respective Use Districts,

Uses Served By Public Sewer Or Uses Not Requiring Sewage Treatment

Building Height:	(R)	(A)	(REC)	(C)	(I)	(flood plain)
Nonmetallic Mining Structure	<u>0</u>	<u>100</u>	<u>0</u>	<u>0</u>	<u>100</u>	<u>0</u>

ARTICLE XVI.

HIGHWAY SETBACK LINES AND ROADSIDE REGULATIONS

Section 160

Setbacks

- 4 Lesser Setbacks

Lesser setbacks may be permitted by the Board of Adjustment according to Article XXII Section XIII in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.

ARTICLE XVII.

OFF STREET PARKING AND LOADING

Section 172

Driveway Access to County Trunks

~~(3) Definitions~~

~~As used in this ordinance section,~~

~~(a) "County" means Buffalo County, including any agency, department or committee thereof.~~

~~(b) "County Highway Commissioner" means the Buffalo County Highway Commissioner or their designee.~~

~~(c) "Department" means the Buffalo County Zoning Department.~~

- (d) ~~"Driveway" means a private road within the highway right of way giving access from a public roadway to a building or other land use on abutting grounds.~~
- (e) ~~"Grade" means the slope of a road, street, alley, footpath, lot or block, specified in percent.~~
- (g) ~~"Pavement" means a material installed to formulate a semi-permanent surface onto the roadway width.~~
- (h) ~~"Permit" means the written authority granted by the Department to conduct activities regulated by this section.~~
- (i) ~~"Reconstruct" means to remove a driveway, or any of the structural portions of a driveway and construct again or replace the driveway with new or additional structural portions excluding the pavement surface.~~
- (j) ~~"Registered Professional" means an Engineer, Surveyor, or Landscape Architect registered and certified to practice within the State of Wisconsin~~
- (k) ~~"Roadway" means any public road, street, highway, alley (in towns), or portion thereof.~~
- (l) ~~"Shoulder Point" the edge of the paved or gravel shoulder generally 2 feet to 6 feet outside the driving lane.~~
- (m) ~~"Sight Distance" means the distance from the entry point onto the highway to the point at which safe visual contact with oncoming traffic ceases to exist.~~
- (n) ~~"Zoning Administrator" means the position described in Section 190~~

(5) Location

(c) Be constructed to ensure that adequate spacing is established between other access points and intersecting highways. Where no curb and gutter is present the minimum spacing distance of highway frontage measured between the centerlines of driveways shall be 75 ~~150~~ feet with a distance of 300 feet desirable. The minimum spacing distance of highway frontage from the centerline of a highway intersection shall be 150 feet with 300 feet desirable. Where curb and gutter is present, refer to Section 172(7)(g) of this ordinance.

(6) Design

(d) Be constructed so that the width of the driveway ~~within~~ measured at the right of way complies with the following table:

(g) The County may require a Traffic Impact Analysis by a registered professional to determine the overall impact of a commercial or industrial application for access to the system. This analysis may result in additional design and construction requirements pursuant to the Wisconsin Department of Transportation Facilities Development Manual. The cost of the Traffic Impact Analysis and subsequent design and construction costs shall be the responsibility of the applicant.

ARTICLE XXI.

SPECIAL CONDITIONAL USE PERMIT

Section 212

Standards Applicable to all Conditional Uses

In consideration of any Conditional Use Permit application, the Board of Adjustment shall consider the following factors. Consideration should include the effect of the proposed operation or usage from both an individual and cumulative perspective:

1. The location, nature, and size of the proposed operation or use.
2. The physical size of the site in relation to the proposed use.
3. The location of the site with respect to anticipated traffic and existing or future streets or roads giving access to the proposed use.
4. Its compatibility with existing uses of the proposed land use, including adjacent lands.
5. Its harmony with current and future development of the district.
6. Existing factors including, but not limited to: topography, drainage, water quantity and quality, air quality, soil types, soil erosion, and vegetative cover.
7. The relationship of the proposed use to the public interest, the purpose and intent of this ordinance, and substantial justice to all parties concerned.

Section 214

Notice and Public Hearing

Before issuing a Special Conditional Use Permit, the Board of Adjustment shall hold a public hearing. Notice of such public hearing specifying the time, place and matters to come before the Committee shall be given in the manner specified in Section 222. When notice of a public hearing is published, copies of the notice shall be forwarded by the County to all property owners within 300 feet of the boundaries of the parcel or parcels of land on which the proposed use is located.

Section 222

Public Hearings Hearing Appeals

Upon filing with the Board of Adjustment of Appeals, a complete application for a Conditional Use Permit, or an application for a Variance, an appeal from a decision of the Zoning Administrator, an application for a special exception or an application for a Variance, the Board shall hold a public hearing. The Board shall, within 60 days, fix a date for the hearing and publish a Class II notice under Chapter 985 of the Wisconsin Statutes as well as giving due notice by mail to all required parties of interest. The Board shall render a decision within ~~180~~ 120 days of the date of the hearing. When the matter concerns the Shoreland or Floodplain Ordinance, the Board shall submit to the Department of Natural Resources a copy of the notice and application for the proposed variance ~~of special exception~~ sufficiently in advance so that the Department of Natural Resources will receive at least ten (10) days' notice of the hearing.

ARTICLE XXVI.

NONMETALLIC MINERAL MINING

Section 260

1. Title

This ordinance shall be known as the Buffalo County Nonmetallic Mineral Mining Ordinance and referred to herein as "this Ordinance"

2. Authority

Buffalo County is adopting this Ordinance in accordance with its home rule authority of Wis. Stats. Sec. 59.03(1)

3. Effective Date

The provisions of this Ordinance shall take effect upon proper adoption by the regulatory authority of Buffalo County with an effective date of April 30, 2013.

4. Applicability

The requirements of this Ordinance apply to any and all nonmetallic mining sites within Buffalo County commencing operation after the effective date of this Ordinance.

5. Interpretation

In both interpretation and application, this Ordinance shall be held to be the applicable requirements for Nonmetallic Mining in Buffalo County. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is specifically required to comply with Wisconsin Statutes Sec. 295, or environmental standards of Wisconsin Statutes, or Wisconsin Administrative Code Chapter NR 135 or environmental regulations, and where the provision is deemed to be unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and Wisconsin Administrative Code requirements.

6. Purpose and Intent

The purpose of this section is to provide impartial standards to regulate nonmetallic mineral mining in Buffalo County. While nonmetallic mineral mining is a legitimate and permissible part of the state and local economy any may provide beneficial economic activity and good jobs, the activities and processes employed may adversely affect ground and surface waters, alter aesthetic appearance of natural landscapes and produce harmful levels of soil erosion and dust. Nonmetallic mineral mining may present safety concerns to members of the public, create traffic problems and road damage, and affect land use and property values. Therefore, in addition to taking into consideration the Standards Applicable to all Conditional Uses under Section 212, nonmetallic mineral mining proposal analysis should be completed on an objective basis which includes not only an individual mine, but also the various incremental impacts of other mine sites when considered cumulatively. This specific analysis should ensure the wise use of natural resources of the County, protection of surrounding properties and the physical environment, evaluation of aesthetic implications of a mine at a given location, as well as the promotion of public health, safety, and general welfare.

Section 261

Administration

The provisions of this section shall be administered by the Land Resources Department. The Land Resources Committee shall prescribe rules, regulations, and administrative procedures, and provide such administrative personnel as it considers necessary for the enforcement of this section. Additional rules and regulations authorized by this section shall be prescribed by policies which shall be declared to be for the stated purpose of this section.

Section 262

Application Required

1. Nonmetallic mining may be permitted upon the issuance of a Conditional Use Permit. Each proposed mine site shall submit an application, and each application shall be judged according to policies approved by the Land Resources Committee and subject to the standards set forth in this section and the zoning ordinance as a whole.

2. All applications for a nonmetallic mine in Buffalo County shall include the following:
 - a) A legal description of the property including parcel identification numbers.
 - b) The names and contact information of all persons or organizations who are owners or lessors of the property on which the mine site is located.
 - c) The name and contact information of the person or organization who is the mine operator.
 - d) A narrative description of the proposed operation including the number of acres to be mined, and the excavation and processing equipment to be used.
 - e) A map showing the general location of the site.
 - f) A plan showing the components of the operation, including structures, stockpiles, equipment, storage areas, parking areas, fences or screens, and any other pertinent information deemed necessary to evaluate the proposed operation.
 - g) A description of the water requirements for processing materials onsite.
 - h) The location of all surface water and wetlands occurring on the mine site and within 2640 feet of the active mine boundary.
 - i) A topographic map showing the drainage patterns of the site.
 - j) Any additional information or materials deemed necessary by the Land Resources Department to adequately evaluate the proposed operation.
 - k) The appropriate permit fee.
 - l) A certification that the operator will provide, as a condition of the reclamation permit, financial assurance before the mining begins.
3. Applications for Nonmetallic Mines may be subject to additional requirements for a Conditional Use Permit according to policies approved by the Land Resources Committee.

Section 263

Standards

A. General Standards

1. All nonmetallic mines shall be operated in compliance with all applicable federal, state, and local laws, rules, and regulations in a manner to promote health, safety, and general welfare.
2. Mine operators shall demonstrate that all required federal, state, and local permits and approvals for the mine site have been or will be obtained prior to commencement of operation.
3. Nonmetallic mining operations and reclamation shall be conducted simultaneously, to the extent practicable, to minimize the area disturbed by nonmetallic mining.

B. Surface Water, Groundwater, and Wetlands Protection

1. Nonmetallic mining operations shall be conducted in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands. Before disturbing the surface of a mine site and removing topsoil,

all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the county shall be installed in accordance with the approved operation plan.

2. Nonmetallic mines shall be operated in a manner that does not cause a permanent lowering of the water table resulting in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.
3. Nonmetallic mining operations shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

C. Topsoil Management

1. Once removed, topsoil and topsoil substitute material shall either be used in contemporaneous reclamation or stored in an environmentally acceptable manner.
2. The location of stored topsoil and topsoil substitute material shall protect the material from washing away, eroding, or disturbing or contaminating the area. Runoff shall be diverted around stored topsoil or topsoil substitute material.

D. Air Quality

1. Nonmetallic mining operations shall utilize appropriate best management practices to control fugitive dust as specified in Chapter NR 415, Wisconsin Administrative Code. State approved fugitive dust control plans shall be kept on file with the Land Resources Department, and nonmetallic mining operators shall keep records to document that the plan is being followed.

Section 264

Inspections

1. Upon issuance of a Conditional Use Permit for the purpose of nonmetallic mining, the operator is deemed to have consented to allow inspections by the Land Resources Department or its approved agents to determine compliance with the provisions of this ordinance and the conditions of the permit. Inspections may occur with or without notice to the mine operator and upon showing of proper identification. Inspections shall be performed during operating hours. All public or private complaints against an operator shall be investigated and may result in an inspection of the mining operation to determine the validity of the complaint.
2. Approved agents of the Land Resources Department may inspect any required records of a mining operation to determine compliance with the provisions of this ordinance. Records requests shall be limited to information pertaining to the operation or reclamation of the mine site, and shall not include proprietary or confidential information.

Records requests shall be made by an approved agent of the county in writing. All required records shall be made available within the time specified in the written request.

Section 265

Permit Transfers and Modifications

1. A Conditional Use Permit for nonmetallic mining may be transferable to a new operator. The new operator shall submit to the Land Resources Department certification in writing that all terms and conditions of the permit and the approved reclamation plan for the mine site will be complied with. The transfer is not valid until financial assurance has been submitted by the new operator and accepted by the Land Resources Department. The Land Resources Director or designee shall make a written finding validating the transfer of the permit to the new operator.
2. An operator may apply for a modification of a permit or for a change in the nonmetallic mining operational plan for a mining site. The application for a permit modification shall be processed in the same manner as an original application for a Conditional Use Permit. If a permit modification is applied for, the Board of Adjustment shall have the discretion to impose additional permit conditions, to remove or modify permit conditions, or to allow the original permit conditions to stand.

Section 266

Violations and Penalties

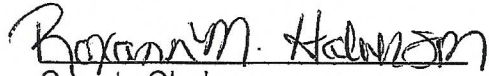
1. Whenever the Land Resources Department finds a nonmetallic mining operation to be in violation of this ordinance, including unapproved deviation from the operational or reclamation plan, it shall be recorded, and the department shall notify the operator in writing. When issuing an order, the department shall send the operator, by certified mail, an order specifying the nature of the violation, time of violation, corrective steps necessary to achieve compliance with this ordinance, and the date by which compliance must be achieved. Failure to comply with an order shall result in revocation of the permit.
2. A violation of terms and conditions of a Conditional Use Permit for nonmetallic mining shall be deemed a violation of this ordinance and subject to the enforcement and penalties in Article XXIV.
3. Every applicant for a Conditional Use Permit for nonmetallic mining is charged with knowledge of the requirements of all federal, state, and local laws, rules, and regulations relating to or affecting nonmetallic mining and/or the land upon which a mine is located. Any incorrect or false statement made by an applicant, or issuance of a permit contrary to a law, rule, regulation or ordinance, may result in revocation of the permit.

Adopted/denied by a 10 to 3 vote this 16th day of April, 2013 by the Buffalo
County Board of Supervisors

ATTEST:



County Board Chairperson
Del D. Twidt

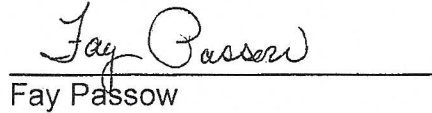


County Clerk
Roxann M. Halverson

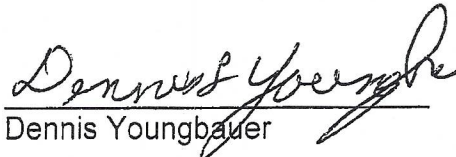
Respectfully submitted this ____ day of April, 2013:
Buffalo County Zoning Committee



Tom Taylor, Committee Chair



Fay Passow



Dennis Youngbauer



James Ziegewald

voted No

