

STATE OF WISCONSIN COUNTY OF IRON

ORDINANCE NO: 14-_____

**An Ordinance to Amend Section 9.4.12 and to Create Section 9.4.19
of the County Land Use Ordinance**

The County Board of Supervisors of the County of Iron, Wisconsin does ordain as follows:

SECTION 1: Section 9.4.12 of the Iron County Zoning Code is hereby retitled as follows:

“Section 9.4.12 RESIDENTIAL PUD PLANNED DEVELOPMENT DISTRICT.”

SECTION 2: Section 9.4.12 ~~(A)~~ of the Municipal Code is hereby amended to delete the first sentence and replace it with the following:

“The Residential PUD District (“R-PUD”) is intended to provide for large-scale residential-recreational development.”

SECTION 3: Section 9.4.19 of the Iron County Zoning Code is hereby created to read as follows:

SECTION 9.4.19: Metallic Mining or Industrial Planned Unit Development.

A. INTENT AND PURPOSE/ESTABLISHMENT OF MINING IMPACT COMMITTEE

1. It is the intent of ~~the Metallic Mining or Industrial Planned Unit Development Provision this Ordinance,~~ as authorized for ~~village power~~ towns ~~in exercising village powers in s. 60.62,~~ Wis. Stats. ~~Section 60.62,~~ and for counties in ~~Section 59.69(3)-(d).~~ s. 59.69(3)(d), Wis. Stats., to allow flexibility in dealing with large-scale industrial, ~~and~~ metallic mineral developments while ~~insuring~~ ensuring such development conforms with the intent of the County’s development plan. “Metallic Mining” shall include both non-ferrous (under ~~Chapter ch. 293,~~ Wis. Stats. ~~and~~ ferrous (under ~~Chapter ch. 295,~~ Wis. Stats.) ~~mining.~~ mining and for purposes of this Ordinance shall include all ancillary mining related activities conducted on contiguous property.

2. In instances where larger areas and unique uses are involved, the most appropriate method for addressing these uses often includes relaxation of minimum standards and the imposition of site- ~~and~~ use- ~~specific~~ requirements by rezoning to establish a Planned Unit Development (“PUD”). The ~~Planned Unit Development PUD~~ is intended to permit ~~metallic mineral mining~~ Metallic Mining or industrial development ~~,~~ subject to requirements ~~that are under this Section,~~ specific to the proposed use ~~to that will~~ protect human health and the environment to the extent practicable while encouraging economic growth, employment, property values, and the general welfare of the residents of ~~Iron the~~ County.

3. There is hereby established as a permanent Committee of Iron County, a Mining Impact Committee.

- a. The Mining Impact Committee shall serve at the pleasure of the County Board with respect to mining related matters affecting the County and matters affecting both the County and any other municipality, so long as the County is substantially affected.
- b. The Mining Impact Committee shall consist of no fewer than five (5) voting members, which shall include at least three (3) County Board members.
- c. The appointment of members shall be made by the County Board Chair. Members shall serve staggered terms specified by the Chair and then superseded by new or reappointed members that each shall serve for three (3) year staggered terms.
- d. In carrying out the purposes specified in chs. 293 and 295, Wis. Stats., the Mining Impact Committee shall also:
 - (i) Act as liaison between the County Board, other local impact committees and other units of government and non-governmental entities with respect to all matters involving exploration, prospecting, bulk sampling, and mining for metallic minerals including the preliminary stages and post-operational stages of the same;
 - (ii) Act as the lead committee in the formulation of plans and requests for funding of committee activities and for addressing the impacts of exploration, prospecting, bulk sampling, and mining upon the people, lands, and natural resources of the County, subject to the final review and approval of the County Board;
 - (iii) Recommend contracts for professional services to the County Board; and
 - (iv) Pursue the establishment of a joint impact committee to include other affected municipalities, pursuant to chs. 293 and 295, Wis. Stats.

B. REQUIREMENTS FOR ALL METALLIC MINING OR INDUSTRIAL PLANNED UNIT DEVELOPMENT

An applicant ("Applicant") may ~~only~~ file a petition for a Metallic Mining or Industrial ~~Planned Unit Development PUD~~ ("Petition") only as set forth in this Ordinance and in accordance with s. 59.69 Wis. Stats. The County Board may, at its discretion, ~~upon its own motion~~ Petition, ~~or upon petition~~, approve a Metallic Mining or Industrial ~~Planned Unit Development PUD~~ by approving an overlay district ~~with concept plan~~ upon finding, after a public hearing, that all of the following facts ~~exists~~ exist:

- 1.** The area proposed for the Metallic Mining or Industrial ~~Planned Unit Development PUD~~ is a minimum of ten (10) acres in size;

2. The location and nature of the stormwater and wastewater treatment systems ~~which-that~~ will serve the development individually, ~~or~~ collectively, ~~will~~ assure that effluent from the systems will not reach the ground or surface waters in a condition ~~which-that~~ would contribute to health hazards, taste, odor, turbidity, or impair the aesthetic character of navigable waters;

3. The ~~Planned Unit Development~~ PUD will not adversely impact air quality in the County generally and will not lead to violations of air quality rules and regulations on site or in the vicinity;

4. The location of facilities, ~~and~~ the dedication of any part of the land for use by the public will preserve the ground cover of the ~~shoreland~~ shorelands and scenic beauty of ~~the~~ navigable ~~water, waters and~~ prevent erosion, ~~and other pertinent factors~~;

5. Lands dedicated to the public have been accepted ~~or~~ approval may be conditioned upon acceptance by action of the governing body of the accepting unit of government;

6. Any restriction placed on platted land by covenant, grant of easement, or any other manner ~~which-that~~ was required by a public body or ~~which-that~~ names a public body as grantee, recipient, or beneficiary, ~~has~~ or will vest in the public body the right to enforce the restriction at law or in equity against anyone who has, ~~or~~ acquires, ~~an~~ interest in the land subject to the restriction;

7. The ~~Planned Unit Development District Ordinance is~~ PUD terms are approved;

~~8. All necessary conditional use permits have been issued;~~

~~9. All State~~ All state and ~~Federal~~ federal approvals and permits have been issued or, ~~with regard to state mining permits, vested rights have been created;~~ applied for;

~~9. A local agreement (for Metallic Mining PUDs) pursuant to s. 293.41 or 295.443, Wis. Stats., has been considered and discussed between the County and the Applicant, but has not been entered into; and~~

~~10. All Planned Unit Development Permits have been issued;~~

~~11. A valid Local Agreement (for Metallic Mining Planned Unit Developments) pursuant to Section 293.41 or 295.443 Wis. Stats. has been executed; and~~

~~10. 12. The Planned Unit Development~~ The PUD is in the best interest of the residents of the County.

C. TYPES AND LOCATION OF PLANNED UNIT DEVELOPMENT

Metallic Mining ~~Planned Unit Development~~ PUD ("M-PUD") or Industrial ~~Planned Unit Development~~ PUD ("I-PUD") shall ~~only~~ be permitted only in the following Districts:

| | | |
|--------------------------------|-------|-------------------------|
| Industrial Planned Development | I-PUD | A-1, A-2, I-1, I-2, F-1 |
|--------------------------------|-------|-------------------------|

| | | |
|-------------------------------------|-------|--|
| Metallic Mining Planned Development | M-PUD | A-1, A-2, C-1, I-1, I-2, F-1, <u>RR-1</u> , W-1, W-2 |
|-------------------------------------|-------|--|

D. OWNERSHIP

A Petition for approval and establishment of ~~a M-~~an M-PUD or I-PUD may be filed by a person having an interest in the property to be included in the ~~planned unit development~~PUD. Prior to final approval, the entire tract shall be either under single ownership, evidenced by legal title or binding sales contract, or under lease or such other legal control over the land and proposed use ~~this-that~~ is sufficient to ~~insure-ensure~~ that the Applicant will be able to carry out the proposed project and assume all liability for the project ~~which-that~~ would normally be assumed under full land ownership.

E. FILING

1. A Prepetition for an M-PUD or I-PUD shall first be filed with the County Clerk who shall immediately forward the Prepetition to the Zoning Administrator for forwarding to the ~~Iron County~~Mining Impact Committee (Local Mining Impact Committee for an I-PUD). A Prepetition shall include a description of the proposed developments and uses sufficient to satisfy the Zoning Administrator that the ~~County Board Mining Impact Committee~~(County Economic Development & Legislative Committee for an I-PUD) can make its Prepetition decision based on the Prepetition. At a minimum, the Prepetition shall include:

- (a) ~~An application~~A fee in the amount of \$5,000.00~~-~~, which may be reduced on a finding of hardship by the ~~Local Mining Impact Committee~~ and (50% of which (County Economic Development & Legislative Committee for an I-PUD) and may be partially refunded by the ~~Local Mining Impact Committee~~ on (County Economic Development & Legislative Committee for an I-PUD) by up to 50% in the event of denial of the Prepetition~~;~~;
- (b) A map showing the property in question, proposed location of structures and facilities, neighboring properties and uses, and roads and surface waters;
- (c) A description of ownership and current uses and structures;
- (d) A summary of proposed uses~~, and a general description of anticipated~~ facilities, operations, estimated timelines~~, for~~ and total cost of construction, development, operation, and decommissioning of proposed facilities and uses; ~~and~~
- (e) ~~Applicant~~The Applicant's name, mailing address, phone number, email address, and current occupation and businesses~~;~~ and
- (f) A list of all previous Prepetitions filed in the last ten (10) years on the property in question or by the Applicant or any of its employees, agents, officers, owners, predecessors, subsidiaries, or affiliates.

A “Preapplication description” filed under s. 295.46, Wis. Stats., may be substituted for portions of the above information and may satisfy the above requirements for the Prepetition if it contains the proper information.

2. A Petition for an I-PUD or M-PUD shall be filed with the County Clerk (who shall immediately forward it to the Zoning Administrator) and shall include the following:

- (a) ~~An application~~ A fee in the amount of \$100,000.00, which ~~fee~~ may be reduced on a finding of hardship by the County Board and may be partially refunded by the County Board by up to 50% in the event of denial of the Petition;
- (b) A signed and notarized statement from the Applicant stating:
 - (i) The name and mailing address of the Applicant;
 - (ii) A summary ~~in less than five hundred (500) words which describes~~ describing the nature and scope of the project;
 - (iii) A legal description of all land proposed to be included in the district;
 - (iv) A description of the Applicant’s ownership interests in the property with respect to Section ~~D, above;~~ 9.4.19(D);
 - (v) ~~Dates~~ Estimated dates construction ~~will~~ is anticipated to begin ~~and,~~ , be completed, and use ~~will be~~ commenced;
 - (vi) The Applicant’s best estimate and explanation of the life expectancy of the project;
 - (vii) Evidence of the Applicant’s ability to carry out the project. ~~This~~ Evidence may include an explanation of the method of financing, a financial statement of the Applicant, a list of experience of the Applicant in similar projects, letters of reference, or other material;
 - (viii) ~~An indication~~ Date of the ~~date of Local Mining~~ Impact Committee (County Economic Development & Legislative Committee for an I-PUD) Prepetition Conference and approval and general description of any requests made by the Mining Impact Committee and how such requests are addressed in the Petition; and
 - (ix) A statement that all information is accurate and complete to the best of the Applicant’s knowledge.
- (c) A map prepared by a ~~registered surveyor~~ Registered Land Surveyor in the State of Wisconsin showing the proposed district as it currently exists. The map shall show the following at an appropriate scale:
 - (i) Boundaries of the ~~property~~ project and location of survey monuments;

- (ii) Contour lines at five (5) foot intervals as provided by aerial survey or other method reasonably relied upon by the Registered Land Surveyor;
 - (iii) All major drainage and surface waters; which may be shown on maps provided to the Wisconsin Department of Natural Resources ("DNR") for purposes of its consideration of an application for a mining permit under chs. 293 and 295, Wis. Stats.;
 - ~~(iv) Size of the property;~~
 - ~~(v) High-water mark of watercourses or water bodies, if any;~~
 - (iv) ~~(vi)~~ Adjacent roadways and distances to public ~~road~~ roads to which access is proposed;
 - (v) ~~(vii)~~ Existing structures or other ~~manmade~~ man-made features;
 - (vi) ~~(viii)~~ Scale and north arrow;
 - (vii) ~~(ix)~~ Public and private water supplies; and
 - (viii) ~~(x)~~ Any other feature of major importance or other information necessary to accurately represent the area.
- (d) A description of the proposed project in sufficient detail to allow the Zoning Committee to assess probable physical, environmental, economic, employment, and developmental impacts of the proposal. The description shall include at a minimum, the following:
- (i) A description of the estimated timing and phasing of the project including maps of all major phases;
 - (ii) A map of the completed development;
 - (iii) A description of any related development taking place ~~in the county~~ or planned to take place in the County;
 - (iv) A statement of known physical, environmental, economic, employment, or ~~any~~ developmental impacts on other property in ~~Iron~~ the County;
 - (v) A description of any entities that will be responsible for maintenance of facilities, security, hygiene, and implementation ~~plan~~ of the project;
 - (vi) Any other information necessary for the Zoning Committee to assess probable physical, developmental, economic, employment, or environmental impacts of the project;

- (vii) Sewer and water lines, streets, parking-, ~~septic systems~~systems, refuse, utilities, wells-, and lighting;
- (viii) A statement of the socioeconomic baseline conditions in ~~Iron~~the County at the time of application addressing, without limitation, population, demographics, education-employment, income, net worth, ~~debt~~, public health issues, crime, education, and property value; and
- (ix) Any other documents required below by the ~~Local Mining~~ Impact Committee, Zoning Committee, County Economic Development & Legislative Committee for an I-PUD, or County Board under regulations for the specific type of planned development.

F. PROCEDURE FOR ESTABLISHING A METALLIC MINING OR INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT

The procedure for establishing limited rezoning in the form of ~~a Metallic Mining or Industrial Planned Unit Development~~an M-PUD or I-PUD District shall be as ~~follows~~set forth in this Ordinance and the Zoning Code. The following procedures, as well as s. 9.10.1-.3 of the Zoning Code and s. 59.69, Wis. Stats., shall apply to the establishment of all M-PUDs and I-PUDs, except when an M-PUD is established by local agreement pursuant to Section 9.4.19(M). In addition, the following procedures shall apply:

1. Prepetition and Prepetition Conference.

- ~~(a) A Prepetition shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the Prepetition to the Local Impact Committee with his or her comments and recommendations within ten (10) business days of his or her determination that the Prepetition is complete and complies with this Ordinance;~~
- (a) A Prepetition shall be filed with the County Clerk who shall immediately forward it to the Zoning Administrator. The Zoning Administrator shall determine whether the Prepetition is legally sufficient within ten (10) business days of receipt and, if sufficient, shall forward the Prepetition to the Mining Impact Committee (County Economic Development & Legislative Committee for an I-PUD) with his or her comments and recommendations. If the Prepetition is not legally sufficient, the Zoning Administrator shall immediately provide Applicant with an itemized list of deficiencies. Applicant will then have thirty (30) days in which to supplement the Prepetition. When the Zoning Administrator deems the Prepetition to be sufficient or the Petitioner has supplemented the Prepetition within the thirty (30) day period, within ten (10) business days, the Zoning Administrator shall forward the Prepetition to the Mining Impact Committee (County Economic Development & Legislative Committee for an I-PUD) with any supplements and his or her comments and recommendations.
- ~~(b) Prepetition Conference (“Pre Petition Conference”).~~ Prior to official submittal of a ~~Petition for consideration of a Planned Development PUD~~ District, the Applicant ~~(owner, operator, agent, or proponent)~~ shall meet with the ~~Local Mining~~ Impact Committee (County Economic Development & Legislative Committee for an I-PUD)

and its technical advisory staff ~~for~~ for a Prepetition Conference, the purposes of which are to engage in a preliminary discussion as to the scope and nature of the proposed development and to consider alternate solutions to the development of a given area~~;~~.

- (c) ~~The Local~~ At the Prepetition Conference, the Mining Impact Committee ~~may~~ (County Economic Development & Legislative Committee for an I-PUD) may, by majority vote, approve the submittal of a Petition based on the Prepetition~~;~~ and.
- (d) Failure to secure approval of the ~~Local~~ Mining Impact Committee ~~in and Pre-Petition~~ (County Economic Development & Legislative Committee for an I-PUD) in a Prepetition Conference shall preclude further consideration of the proposed development.

2. If the ~~Local~~ Mining Impact Committee (County Economic Development & Legislative Committee for an I-PUD) approves the Prepetition, the Applicant may submit a Petition setting forth all of the ~~facts~~ materials required in Section ~~E-above~~ 9.4.19(E). If a Prepetition is denied or there is no response within ninety (90) days the Applicant may appeal the denial or lack of response to the County Board for a final determination on the Prepetition.

~~An application may~~ 3. A Petition must be filed with the County Clerk who shall immediately forward it to the Zoning Administrator. The Applicant shall present ten (10) copies of all ~~material~~ materials listed ~~in E-above, plus and~~ the filing fee listed in ~~E(1~~ Section 9.4.19(E). The Zoning Administrator shall immediately initial and date one copy of each of the materials listed in ~~E-above, Section 9.4.19(E)~~ and issue a receipt to the Applicant for all materials delivered. The copy of materials initialed by the Zoning Administrator shall be delivered to the County Clerk to be preserved with ~~county~~ County records. One copy may be retained by the Zoning Administrator for office use. The remaining copies shall be made publicly available in the following locations:

- (a) 3. Town halls of towns in which the planned development is proposed~~;~~.
- (b) 4. The office of the Northwestern ~~Wisconsin~~ Regional Planning Commission~~;~~.
- (c) 5. One copy to be available to members of the Zoning Committee~~;~~.
- (d) The Hurley Public Library; and
- (e) Any remaining copies may be circulated or distributed at the discretion of the ~~chairman~~ Chair of the Zoning Committee.

G. ZONING COMMITTEE AND TOWN ACTIONS AND PUBLIC HEARINGS

1. The Zoning Administrator shall determine whether a Petition is legally sufficient within forty-five (45) days of receipt and, if the Petition is not legally sufficient, shall provide Applicant with an itemized list of deficiencies within that period. Applicant shall then have thirty (30) days in which to supplement the Petition. When the Zoning Administrator deems the Petition to be sufficient or the Petitioner has supplemented the Petition within the thirty (30) day period, and the Zoning Administrator has had at least fifteen (15) days to review the supplements to the Petition, the Zoning Administrator shall place notice of the Petition on the next meeting agenda of the Zoning Committee. The Zoning Administrator shall give notification of the Zoning Committee meeting by registered letter to the Town ~~Chairmen~~ Chairs of the ~~Towns~~ towns in which the M-~~PUD~~ or I-PUD would be located. All filing and notices shall conform to s. 59.69(5)(e) Wis. Stats., including the provisions of s. 59.69(9)(a) with regard to rezoning of County-owned lands. The notification shall invite the participation of the affected towns in the Zoning Committee process and request the town Boards' recommendations on the Petition to the Zoning Committee to be delivered no later than forty-five (45) days after the Informational Public Hearing. Any town recommendation received thereafter may not be considered by the Zoning Committee and is not required for the Zoning Committee to proceed.

2. At the meeting referred to in ~~(1) above~~ Section 9.4.19(G)(1), the Zoning Committee shall set a date for an Informational Public Hearing on the Petition. The Informational Public Hearing shall be scheduled no sooner than fifteen (15) days and no later than forty-five (45) days after the meeting, except that with respect to an M-~~or I-PUD~~ PUD, the Zoning Committee may decide that the hearing held pursuant to ~~Section~~ s. 293.43 or 295.57(5), Wis. Stats., shall constitute the Informational Public Hearing if held sooner than the time period set forth herein. The Informational Public Hearing shall be held at the County Court House, ~~or such other location as may be designated by~~ the Zoning Committee may designate.

3. No later than ~~thirty-sixty~~ (30/60) days after the Informational Public Hearing, the Zoning Committee shall hold a meeting at which it will receive any recommendations from the town Boards involved and adopt recommendations on the ~~application~~ Petition, except that when the Informational Public Hearing is held on ~~a M- or I-PUD, an M-PUD~~ according to ~~Section~~ s. 293.43 or 295.57(5), Wis. Stats., the Zoning Committee shall meet and adopt recommendations no later than thirty (30) days after the close of the record of the Informational Public Hearing or acceptance by the Zoning Committee of hearings under s. 293.43 or 295.57(5), Wis. Stats. The Zoning Administrator shall give notification of the Zoning Committee meeting by registered letter to the Town ~~Chairmen of~~ Chair of the towns in which the M-~~PUD~~ or I-PUD would be located.

4. A public hearing ("Public Hearing") shall be held on the recommendations no later than ~~sixty-one hundred and twenty~~ (60/120) days after the Informational Public Hearing or, with respect to ~~a-an~~ M-PUD, after close of the record of the hearing held pursuant to ~~Section~~ s. 293.43 or 295.57(5), Wis. Stats., or acceptance of the record by the Zoning Committee. The Public Hearing shall be held at the County Court House or such other location as the Zoning Committee may designate. The Zoning Committee may, if directed by the County Board, schedule the hearing to coincide with a County Board meeting conducted during the time period set forth herein or at the first regularly scheduled County Board meeting thereafter.

5. Following the Public Hearing, the Zoning Administrator shall ~~_,~~ within fifteen (15) days ~~_,~~ deliver to the County Clerk the Committee recommendation ~~and,~~ a summary of the comments at the Public Hearing, and any recommendations of the affected towns. The County Clerk shall place the recommendation on the next County Board agenda.

6. No more than seventy-five (75) days after the County Clerk receives the Committee recommendations ~~_,~~ and summary of contents of the Public Hearing described in Section ~~4-above~~9.4.19(G)(4), the County Board shall either disapprove or approve the ~~recommendation of the Zoning Committee~~Petition. Failure to approve or disapprove the Petition within seventy-five (75) days (or longer if by agreement with the Applicant), will cause the Petition to expire, and no M-PUD or I-PUD may be issued pursuant to the Petition. A new Petition with substantially similar Applicants, uses, property, or construction, may be submitted at any time.

7. ~~If-If:~~ (a) the County Board approves the Petition or a local agreement under s. 293.41 or 295.443, Wis. Stats., is in effect between the Applicant and the County that establishes an M-PUD; (b) the Applicant's ownership is established in accordance with Section ~~D above~~9.4.19(D); (c) all necessary state and federal permits have been issued; and (d) ~~a Local Agreement under Section 293.41 or 295.443 Wis. Stats. is in effect between the Applicant and the County, the Zoning Administrator shall issue the permit as described in Section H below, the affected towns have not disapproved of the rezoning pursuant to s. 59.69(5)(e) Wis. Stats., the Applicant may engage Metallic Mining or industrial uses as set forth therein. Any disapproval by an affected town under s. 59.69(5)(e) Wis. Stats. shall only apply in that town and shall not affect mining otherwise permitted under this Ordinance.~~

8. ~~If the Petition~~ If the Petition expires or is rejected by the County Board, the Applicant may reapply at any time provided s. 9.10.2 D of the Zoning Code is satisfied by changes in circumstances. If a second ~~application~~ Petition is substantially the same as the original ~~application~~ Petition except for changes recommended by the Zoning Committee or County Board on the original Petition, the Zoning Committee may eliminate the Informational Public Hearing described in Section ~~(2)-above~~9.4.19(G)(2).

9. An Applicant may submit simultaneous ~~application for metallic mining or industrial planned unit developments, conditional use permits and land use permits~~Petitions for M-PUDs or I-PUDs.

- (a) Petitions for more than one ~~Metallic Mining or Industrial Planned Unit Development~~ M-PUD or I-PUD may be submitted simultaneously, provided all districts are related and relationships of the ~~planned unit developments~~ Planned Unit Developments are clearly explained in the project description in Section ~~E2(d) above~~9.4.19(E)(2)(d). All Petitions filed simultaneously may be combined for ~~public hearing~~ purposes of the Informational Public Hearing, but the Zoning Committee shall make separate recommendations on each Petition, the County Board ~~of Supervisors~~ shall take separate action on each Petition, and a separate ~~permit~~ PUD shall be ~~issued~~ established for each Petition.

- ~~(b) Applications for conditional use permits or land use permits may be filed simultaneously with a Petition for designation of a Metallic Mining or Industrial~~

~~Planned Unit Development provided all the proposed conditional uses are within the proposed planned development. In the case a simultaneous submission of conditional use applications and Planned Unit Development Petitions, the deadlines described in Section 9.8 of the Zoning Code for conditional uses shall not apply; and instead, the deadlines and procedures established in this section for Planned Unit Developments shall apply. The Zoning Committee shall make recommendations to the County Board on each conditional use permit and the County Board shall act on these recommendations as part of the planned development Petition. Material required under Section 9.8 for conditional uses shall be incorporated into the Planned Unit Development application whenever possible.~~

~~(e) Each conditional use permit application shall require the submittal of the forms and fees required under Section 9.8 of the Zoning Code.~~

~~(b) (d)~~ The Applicant may request cancellation of all further consideration of the application or Petition at any time by notifying the Zoning Administrator in writing.

~~H. PUD PERMIT~~

~~1. A separate M or I PUD permit shall be issued for each planned development. A single M or I PUD permit shall include any conditional use permits which were identified as needed in the application. Individual land use permits shall also be included as a portion of the planned unit development permit. Any land use or conditional use permit within the Metallic Mining or Industrial Planned Unit Development District which is obtained after the Metallic Mining or Industrial Planned Unit Development permit is applied for shall be considered a part of the Mining or Industrial Planned Unit Development permit.~~

H. PLANNED UNIT DEVELOPMENT TERMS

1. A separate M-PUD or I-PUD shall be established for each planned development.

2. The M-PUD or I-PUD ~~permit~~ shall become effective at the later of the following dates:

(a) Ten (10) ~~calendar~~ days after the ~~permit is issued by the Zoning Administrator~~ M-PUD or I-PUD is published by the County Clerk;

(b) The starting date identified by the Applicant in Section ~~E(2)(e) above~~; 9.4.19(E)(2);

~~(e) The effective date of any Local Agreement pursuant to Section 293.41 or 295.443 Wis. Stats.;~~

(c) ~~(d)~~ The issuance of all necessary state and federal permits; and

(d) ~~(e)~~ The payment of all current fees, costs, payments, and taxes due to the County from the Applicant.

3. The ~~permit shall~~ M-PUD or I-PUD may be terminated or suspended by the County Board under any of the following conditions:

- (a) Construction is not carried ~~on-out~~ diligently to completion following as closely as possible the description of timing and phasing of the project submitted in the ~~application~~ Petition, unless caused by reasons beyond the Applicant's control ~~of the Applicant~~;
- (b) A determination of abandonment of mining by the DNR under s. 293.61 or 295.67, Wis. Stats.;
- (c) ~~(b)~~ Actual project development is significantly different from that stated in the ~~original application~~ Petition;
- (d) ~~(e)~~ Actual project development violates the description provided in the ~~application~~ Petition or any recommendations adopted by the County Board;
- (e) ~~(d)~~ The occurrence or imminent danger of a major adverse or catastrophic environmental-, human health, or economic impact not accurately described in the ~~application~~ Petition material submitted under Section ~~E above; or~~ 9.4.19(E);
- (f) ~~A mining permit has been suspended or cancelled, or mining activities have been enjoined, under s. 293.83, 293.85 or 293.87 and 295.78 or 295.79, Wis. Stats.;~~ or
- (g) ~~(e)~~ Applicant's (including successor's) default in payment to the County for fees, costs, payments, or taxes due for thirty (30) days after written notice.

I. GENERAL REQUIREMENTS

~~A metallic mining or industrial planned unit development~~ An M-PUD or I-PUD shall be composed of a single contiguous area enclosed by a single continuous boundary line. The area for inclusion shall be reasonably compact and not rely on narrow land bridges or necks of land to join otherwise non-contiguous areas. The ~~Metallic Mining or Industrial Planned Unit Development~~ M-PUD or I-PUD shall not enclose or substantially surround any land that is not included in the ~~Metallic Mining or Industrial Planned Unit Development~~ M-PUD or I-PUD. Exceptions to these requirements may be permitted in order to accommodate essential pipelines, utilities, conveyor, rail, or truck routes or other facilities. The land included in ~~a Metallic Mining or Industrial Planned Unit Development~~ an M-PUD or I-PUD may not be included in any other ~~planned unit development~~ PUD.

1. The Applicant shall demonstrate that the ~~M-proposed M-PUD~~ M-proposed M-PUD or I-PUD ~~(after consideration from Applicant)~~ will not result in a substantial net adverse economic impact in any town in which the M-PUD or I-PUD will be located-, including the ability of each town, and the school districts, law enforcement, ~~five-fire~~ fire departments-, highway departments, and sanitary districts with which it is associated, to provide necessary governmental facilities and services-, taking into account all financial resources projected to be reasonably available for providing the facilities and services.

2. The appropriate district regulations or other portions of this ~~Zoning Ordinance~~ shall apply within planned unit developments unless specifically exempted or altered under the provisions of this Section. ~~Shoreland regulations apply within all areas defined in the County~~

~~Code regardless of any provisions of this section.~~ Ordinance shall apply unless altered by the M-PUD or I-PUD, in which case the M-PUD or I-PUD shall control.

3. The provisions of the Zoning Code with regard to shoreland and floodplain zoning shall apply in any I-PUD and any M-PUD to the extent permitted by s. 295.607, Wis. Stats.

4. ~~3.~~ Nothing in this Ordinance shall be construed to mean that the County Board ~~of Supervisors~~ is required to approve any Petition for a ~~planned development~~ PUD.

~~Any such approval of any Petition for a planned unit development must be supported by substantial credible evidence.~~

5. ~~4.~~ Traffic.—The design of the PUD shall provide for safe and efficient internal traffic flow on public roads and not create unnecessary safety or congestion problems outside the PUD.

6. ~~5.~~ Any significant deviation from the original designs submitted in the ~~application~~ Petition described in Section ~~E above 9.4.19(E)~~ must be approved by the County Board ~~of Supervisors~~.

J. INDUSTRIAL PLANNED UNIT DEVELOPMENT ~~(I-PUD)~~—USES AND REQUIREMENTS

1. Any permitted use allowed in any Industrial District shall be permitted in an I-PUD. ~~Any conditional use in the Industrial District shall be a conditional use in the I-PUD.~~

2. At least one and one-half (1½) acres of ~~a~~ an I-PUD shall be buildable commercial land, excluding public right-of-ways, water bodies, wetland, steep slopes, or other ~~impediment~~ impediments to development.

3. Except for access points, a permanent open space at least forty (40) feet wide shall be maintained around the perimeter of the I-PUD. No structure may be permitted in this open space, and the area shall not be counted as buildable area under Section ~~9.4.19(J)(2).~~ Vegetative or other screening must be provided adjacent to residential or recreational uses.

4. The I-PUD, at time of Petition, may have one or more vacant structure sites. Unused sites shall be identified in the ~~application~~ Petition and as much information as possible provided about how these sites will be served by utilities, parking, and other services. Structures not specifically identified in the I-PUD Petition may be built, provided that neither the description of the project included in the Petition, ~~or nor any~~ restriction recommended by the Zoning Committee and the County Board ~~are not, is~~ violated. Structures for uses ~~listed~~ permitted in ~~the Industrial District (an I-PUD) in Section~~ _____ may be constructed after acquiring a structure permit as described in Section _____. ~~Uses listed as conditional uses in an Industrial District in Section _____ may be constructed after acquiring a conditional use permit as described in Section 9.2.2.~~

5. As a part of the Petition in Section ~~E above~~ 9.4.19(E), the following shall be included:

- (a) Layout and infrastructure of all structure sites;
- (b) Industries to occupy sites, if known; and
- (c) Any site or structure ~~which~~ that will not immediately be used or ~~which~~ that is included as a speculative holding.

6. Traffic and parking shall be given special consideration, both within the I-PUD and off the premises. ~~Except, except~~ as specifically provided otherwise ~~Section _____ shall apply in this Ordinance.~~

7. Whenever possible, the layout of the I-PUD shall encourage walking rather than driving between commercial establishments in the I-PUD.

8. Each I-PUD shall have a minimum of two (2) accesses to public roads, but beyond this, the number of driveways should be minimized. Individual businesses shall not have separate driveways to existing public roads. To the greatest extent reasonably practical, access driveways shall adhere to the standards in Section 9.5.4 of the County Land Use Ordinance.

9. Performance standards in Section ~~_____~~ 9.4.19(Q) shall apply in an I-PUD.

10. Exceptions to height limitations:

- (a) Appropriate firefighting equipment for a structure of the proposed size and type must be available;
- (b) At least two fire exits shall be supplied to upper portions of the structure regularly used by humans;
- (c) The structure shall be engineered and constructed to withstand stresses due to wind, vibration from traffic, settling, freeze-thaw cycles, and other stresses imposed by the natural or human environment of ~~from the~~ the County;
- (d) The structure shall not pose a hazard to surrounding properties due to falling objects or potential falling of the structure itself; and
- (e) The structure shall be accessible by emergency vehicles of all types.

11. ~~(e) Unless the proposed activity is in a Planned Development, the~~ The structure shall not interfere with the surrounding residential character of the area.

K. METALLIC ~~MINERAL~~ MINING PLANNED UNIT DEVELOPMENT USES AND REQUIREMENTS ~~(“M-PUD”)~~

Metallic ~~mineral mining~~ Mining shall be permitted only in ~~M-PUD~~ an M-PUD or pursuant to a local agreement under s. 293.43 or 295.443, Wis. Stats. Any permitted use allowed in ~~() or () an Industrial District~~ shall be permitted in ~~a M-PUD. Any conditional use in a () or () shall be a conditional use in a M-PUD. Metallic Mineral Mining may not be~~

~~conducted in any district unless a Local Agreement with the County is in effect pursuant to Section 293.41 Wis. Stats~~an M-PUD.

1. No person shall establish, build, construct, operate, or maintain the use of property for any metallic ~~mineral-mine-~~mill-related buildings, enclosed structures such as headframes, tailings ponds, waste treatment facilities, tailings transport systems, emergency spill areas or mill tailings control areas, waste disposal sites, equipment yards, storage facilities, stockpiles, byproducts, roads, or rail sidings, refuse or waste rock stockpiles, smelting forges, or other mining construction (~~hereinafter collectively referred to in this chapter as-~~ “Facilities”), within any of the following areas (as determined at the time of the Prepetition):

- (a) In any area prohibited in applicable state statutes or DNR regulations~~of the DNR,~~ including, but not limited to, ~~N.R.s. §132.18~~NR 132.18, and ~~Wis. StatAdmin. §293 Code, and ch. 293~~ or 295, Wis. Stats.;
- (b) Within one thousand (1,000) feet of any navigable lake, pond or flowage unless otherwise allowed under s. 295.60, 295.605, or 295.61, Wis. Stats., for ferrous mining;
- (c) Within three hundred (300) feet of a navigable river or stream unless otherwise allowed under s. 295.60, 295.605, or 295.61, Wis. Stats., for ferrous mining;
- (d) Within a floodplain to the extent the provisions of the Zoning Code regarding shoreland and floodplain regulations are enforceable under s. 295.607(3), Wis. Stats.;
- (e) Within one thousand (1,000) feet of the nearest edge of the right-of-way of any of the following: Any state trunk highway~~;~~ interstate or federal primary highway; the boundary of a state public park; the boundary of a scenic easement purchased by the DNR or Department of Transportation; the boundary of a designated scenic or wild river; a scenic overlook designated by the DNR by rule; or a bike or hiking trail designated by the United States Congress or the State Legislature~~;~~unless, regardless of season, This prohibition may be waived by the County Board if it makes a finding that the site is visually inconspicuous due to screening or being visually absorbed due to natural objects, compatible natural plantings, earth ~~berms~~berms, or other appropriate means~~;~~unless, regardless of season, such that the site is screened so as to be as aesthetically pleasing and inconspicuous as is reasonably feasible; and
- ~~(f) Within wetlands, except pursuant to the criteria established in Section N.R. 132.06(4) of the Wisconsin Administrative Code.~~
- (f) Within wetlands unless otherwise allowed under s. 295.60, 295.605, or 295.61, Wis. Stats., for ferrous mining.

2. The following ~~Conditional Use Permit Requirements~~requirements shall apply in the M-PUD:

- (a) A buffer zone between mining uses and adjoining property uses of not less than two hundred (200) feet nor more than one thousand two hundred (1,200) feet along the property line ~~may~~shall be required. ~~Additionally, the~~The Applicant must consider

the use of the land adjacent to the boundary at all points on the property line, and provide for a greater buffer zone ~~as may be required within the appropriate range~~ to preserve the use of all adjacent lands. The ~~conditional use permit~~ M-PUD shall state with ~~some~~ specificity the activities ~~which that~~ are allowable within the buffer zone; ~~for example, e.g.~~ monitoring wells, access corridors, ancillary facilities, ~~and any or~~ other facilities or activities approved by the ~~issuing authority~~ County Board. In determining the ~~size final width~~ of the buffer zone, the ~~issuing authority~~ County Board shall take into consideration the use of the land adjacent to the property line at any point on said line and ~~adjust set~~ the buffer zone accordingly to comply with this Ordinance, to control dust, noise, odors, and direct light trespass and to be aesthetically pleasing pursuant to this Ordinance.

(b) Utilities, roads, drainage, traffic plans, and public services required in ~~a~~ and solely by virtue of an M-PUD shall be provided by the Applicant at its cost and expense.

(c) ~~A~~ An M-PUD shall be located, designed, constructed, and operated to protect surface and groundwater quality in accordance with ~~Wis. Stats. Chapter _____, other applicable Wisconsin statutes, and administrative rules adopted pursuant to Wis. Stat. § _____ and this Ordinance~~ the applicable provisions of chs. 160, 281, 283, 293, and 295 as well as any applicable administrative code provisions adopted thereunder, as determined by the DNR under ss. 293.49, 293.55, 295.58 and 295.63, Wis. Stats.

(i) The Applicant shall ~~be required to~~ monitor private ~~or and~~ public wells ~~that the County Board requires to be monitored in the M-PUD and vicinity~~ in order to gather base line data concerning quantity and quality, and which shall be adequate for all purposes. Monitoring shall be performed to assess and ~~monitor track~~ the impact of permitted operations on public or private wells. The specific requirements of the program, including, but not limited to, time, duration, distance, frequency, scope, sampling techniques and reporting frequency, and a program to mitigate any detriments to the groundwater, shall be ~~negotiated at the time of the permit application~~ determined by the DNR under ss. 293.65, 295.61, 295.64, 295.643, and 295.645, Wis. Stats.

(d) ~~A~~ An M-PUD shall be located, designed, constructed, and operated to:

(i) Prevent any surface or subsurface discharge from the facility into navigable waters that would cause a violation of water quality standards issued pursuant to s. 281.15, Wis. Stat. _____ Stats.;

(ii) Prevent any surface or subsurface discharge from the facility into navigable waters that would cause a violation of s. 283.21(1), Wis. Stat. § _____ Stats., unless the DNR issues a permit authorizing the disposal or discharge pursuant to s. 283.31(3), Wis. Stat. § _____ Stats.;

(iii) Comply with ~~the any~~ standards ~~of for~~ point source water pollution control, ~~and in~~ any applicable DNR ~~regulations~~ regulation. This provision may be ~~met~~ satisfied by a showing that the Applicant has complied with the standards and procedures under ch. 293 or s. 295.40 et seq., Wis. Stat. § _____ Stats., and

has obtained a ~~prospecting or~~ mining permit under ss. 293.49 or 295.58, Wis. Stats., from the DNR for the project proposed on the land affected;

- (iv) Meet pretreatment standards for discharges to publicly-owned treatment works issued pursuant to s. 283.21(2), Wis. Stat. § _____ Stats.;
 - (v) Divert surface water runoff from a twenty-four (24) hour, one hundred (100) year storm ~~around to avoid~~ portions of the ~~facilities~~ Facilities containing ore, product, bulk sampling, mine or prospecting waste. Discharge to surface waters from such diversion structures shall not exceed the rate of a twenty-four (24) hour twenty-five (25) year storm. Diversion structures to accomplish the same do not need to be constructed if it can be demonstrated that ~~-, without such structures,~~ surface water runoff will not come into contact with such materials and in turn reach surface waters;
 - (vi) Divert surface water only in accordance with s. 293.65 or 295.61, Wis. Stat. § _____ Stats.; and
 - (vii) Control surface water runoff emanating from portions of the ~~facilities~~ Facilities containing ore, product, mine, bulk sampling, mine or prospecting waste up to the quantity anticipated from a twenty-four (24) hour, one hundred (100) year storm by collecting, confining, treating, or discharging it as may be required by regulations promulgated under ch. 283, Wis. Stats. Chapter _____, and any other applicable Wisconsin Statutes and regulations promulgated thereunder.
- ~~(e) Conditional use permits for metallic mineral mining may be made conditional upon the Applicant's obtaining a mining permit from the Wisconsin DNR for the project proposed on the land affected. The conditional use permit may be cancelled by the Zoning Committee pursuant to the provisions of § _____.~~
3. The following additional requirements shall apply to ~~a~~ an M-PUD:
- (a) The ~~operator or owner~~ Applicant shall conduct inspections pursuant to ~~N.R.s. NR 182.12 and, Wis. Admin. Code, for nonferrous mines and pursuant to ss. 295.62 and 295.63, Wis. Stats.,~~ and a schedule approved by the County Board for ferrous mines and, if requested, shall submit to the County Board copies of all reports ~~provided thereunder to the DNR at the same time these reports are submitted developed thereunder, including copies of all reports submitted to the DNR within five (5) days of their submittal~~ to the DNR. In addition, the Applicant shall inspect ~~the tailings pond or dike~~ any tailings ponds, impoundments, tanks, or dikes after any unusual natural occurrence, including, but not limited to, the following: tornado, flood, or any other natural event ~~which that~~ the Applicant should expect could affect the integrity of ~~the tailings~~ any tailings pond, impoundment, tank, or dike; and
 - (b) Facilities shall be constructed, operated, maintained, and reclaimed in conformity with all applicable state laws and regulations.

4. ~~Reduction of Quality and Quantity of Groundwater.~~ Any withdrawal of groundwater or dewatering of mines shall be done only in accordance with applicable state law, including, but not limited to, ~~Wis. Stat. § ss. 293.65, 295.60, 295.605, and 295.61, Wis. Stats.~~ No withdrawal of groundwater or dewatering of mines may be made to the detriment of public or private water supplies, which cannot otherwise be mitigated by the program submitted by the Applicant pursuant to ~~§ and approved by the County Board~~ Section 9.4.19(K)(2)(c)(i). Issuance of a mining permit by the DNR under ss. 293.49 and 295.48, Wis. Stats., may satisfy this requirement.

- (a) No person, owner, or operator shall construct, install, or operate any well to withdraw groundwater or to dewater mines, ~~for any purpose where the rate and capacity of withdrawal exceeds one hundred thousand (100,000) gallons per day, unless the Applicant first obtains a high-capacity well permit from the DNR in accordance with s. 281.34, Wis. Stat. Stats., and any permit required under Wisconsin Statutes Chapter ch. 283, Wis. Stats.~~
- (b) An Applicant who fails to comply with an order issued by the DNR or the County under Section ~~9.4.19(K)(4)~~ 9.4.19(K)(4) is subject to the suspension or revocation of the ~~conditional use permit for metallic mineral mining or prospecting possessed by such person, owner, or operator.~~ M-PUD.
- ~~(c) Adequate utilities, roads, drainage, traffic plans, and public service required in a M-PUD shall be provided by Applicant.~~
- ~~(d) A M-PUD shall be located, designed, constructed, and operated in such a manner so as to protect groundwater quality in accordance with Wis. Stats. Chapter and administrative rules adopted pursuant thereto.~~
- (c) (e) A ~~An~~ M-PUD shall be located, designed, constructed, and operated in such a manner so as to prevent air emissions from such ~~facilities~~ Facilities causing a violation of standards or regulations promulgated pursuant to ~~Wis. Stats. Chapter~~ ch. 285, Wis. Stats. Issuance of a mining permit by the DNR under s. 293.49 or 295.58, Wis. Stats., and compliance with the Reclamation Plan approved thereby may satisfy this requirement
- (d) (f) The development shall also comply with the following provisions:

- (i) All toxic and hazardous substances, wastes, refuse, tailings, and other solid or special waste shall be disposed of in solid or hazardous waste land disposal facilities licensed under applicable Wisconsin or federal ~~metallic mining~~ Metallic Mining waste, ~~other~~ solid waste, or toxic substances control regulations, or otherwise disposed of in an environmentally sound manner pursuant to the applicable provisions of such laws.
- (ii) All tunnels, shafts, pits, trenches, or other underground openings shall be sealed or secured by the completion of activities in the M-PUD, and seepage in amounts ~~which that~~ may be expected to create a safety, health, or environmental hazard shall be prevented, unless it can be demonstrated that alternative uses of tunnels, shafts, pits, trenches, or other openings exist ~~which that~~ do not threaten public health and safety, ~~and which~~ conform to applicable environmental protection laws and rules.

- (iii) All underground or surface runoff waters from open pits or underground, mines or facilities or bulk sampling, prospecting, or mining sites shall be managed, impounded, or treated so as to prevent significant irreparable soil erosion or damage to surface waters, forests, wetlands, prairies, agricultural lands or livestock.
- (iv) All surface structures constructed as part of bulk sampling, prospecting, or mining operations shall be removed upon termination of such operations, unless they are converted to an acceptable alternate use approved by the County Board.
- (v) Adequate measures shall be taken to prevent significant surface subsidence, but if such subsidence does occur, ~~provision~~ provisions for reclamation of the affected areas shall be ~~taken~~ undertaken.
- (vi) Topsoil shall be preserved or accounted for for purposes of future use in reclamation.
- (vii) Disturbed soils shall be vegetated for stabilization and reclamation, ~~with~~ the objective of reestablishing a variety of populations of plants and animals indigenous to the area immediately prior to prospecting, ~~bulk sampling~~ or mining, unless such reestablishment is inconsistent with ~~reclamation as defined herein~~ the Reclamation Plan approved by the DNR.
- (viii) Disturbance to wetlands shall be minimized or mitigated in accordance with provisions of ss. 293.13 and 295.60, Wis. Stats. ~~_____~~, and applicable administrative rules.
- (ix) No significant destruction, ~~irreparable~~ damage, or filling in of a navigable stream or lake bed shall occur except pursuant to authority granted under s. 295.605, Wis. Stats.
- (x) All blasting shall be pursuant to a County Board or Sheriff approved blasting plan addressing notification, emergency response, and coordination of activities.
- ~~(xi) Bonds shall be provided for the purposes in Section _____ below to the extent that those provided to the Wisconsin Department of Natural Resources (DNR) are not deemed sufficient.~~
- (xi) Bonds or other financial assurance shall be provided for the purposes in Section 9.4.19(L)(2)(i) to the extent that the County Board determines that those required by the DNR do not substantially cover the projected cost of all reclamation activities in the County. Should the County require additional bonds or financial assurances, the Applicant shall have the right to seek a judicial determination as to whether the Applicant has demonstrated that additional bonds or financial assurances are not required.

~~(e) (g)~~ A permit may be denied (among other reasons) A Petition may be denied if any of the following situations may reasonably be expected to occur during or subsequent to prospecting or mining:

(i) Significant landslides or substantial deposition from the proposed operation in stream or lake beds;

(ii) Significant surface subsidence ~~which~~ that cannot be reclaimed; or

(iii) ~~Hazards resulting in~~ Significant and irreparable damage to any of the following, which cannot be avoided by removal from the area of ~~hazard~~ damage, or mitigated by purchase or subsidy, or by obtaining the consent of the owner~~;~~:

- Dwelling houses.
- Public structures.
- Schools.
- Churches.
- Cemeteries.
- Commercial or institutional structures.
- Public roads.
- Habitat required for survival of vegetation or wildlife designated as endangered through prior inclusion in rules adopted by the DNR if such endangered species cannot be firmly reestablished elsewhere.
- Public drinking water supplies.
- Unique features of land, as designated at ~~Section N.R. 132.18 of the Wisconsin Administrative Code and Wis. Stat. §144.81(18)(d), which s. NR 132.18, Wis. Admin. Code, and ss. 293.01(28)(b) and 295.41(46)(b), Wis. Stats., that~~ cannot have their unique characteristic preserved by relocation or replacement elsewhere.

~~• Any other occurrences which the County Board finds injurious to the County.~~

~~(n) A M-PUD shall not be granted hereunder unless a corresponding mining permit application has been submitted to the DNR.~~

(f) An M-PUD granted hereunder shall be contingent upon DNR granting a mining permit under s. 293.49 or 295.58, Wis. Stats., and shall not take effect until such mining permit takes effect.

(g) (g) The proposed M-PUD development ~~M-PUD~~ shall be denied if the mining operation is projected to result in a net substantial adverse economic impact to the County over the combined life of the proposed operation (construction, operation, decommissioning, reclamation).

(h) (h) No withdrawal of groundwater or ~~de-watering~~ dewatering of mines may be made to the substantial and irreparable detriment of public or private water supplies.

L. SUBMITTAL REQUIREMENTS: ~~M-PUD~~METALLIC MINING PLANNED UNIT DEVELOPMENT

1. The information required by Section ~~9.4.19(E)(2)(d)~~, in addition to the information described below, shall be prepared and presented at the time of Petition. To the extent that any information ~~is~~ provided to the DNR by the Applicant pursuant to s. 23.11(5), Wis. Stats. ~~or~~ other appropriate statutory provisions satisfies the submittal requirements of this Ordinance, the need to repeat the same shall be waived and a copy of all such information shall be provided to the County. To the extent that any of the following information is not so provided to the DNR with copies provided to the County, ~~it~~ originals shall be provided directly to the County.

- (a) A Community Impact Report setting forth a description of all significant baseline conditions within the proposed ~~permit area~~ M-PUD, and within the areas of the County reasonably expected to be significantly impacted by the activity ~~shall be provided~~, including an estimate of such baseline conditions for the project life of the proposed operation if the proposed operation were not ~~permitted~~ established. Such baseline conditions shall include, but are not ~~be~~ limited to, the following:

(i) Employment;

(ii) ~~(i)~~ Economic activity;

(iii) ~~(ii)~~ Groundwater, surface water;

(iv) ~~(iii)~~ Air quality;

(v) ~~(iv)~~ Noise levels;

(vi) ~~(v)~~ Major land uses;

(vii) ~~(vi)~~ Visual appearance;

~~(vii)~~ (viii) Housing;

~~(viii)~~ (ix) Traffic;

~~(vii)~~ (x) Utilities, schools, police, and fire protection, sewage treatment, and other public services, unique cultures, and lifestyle, wildlife, and vegetation;

~~(viii)~~ (xi) Wildlife;

~~(ix)~~ (xii) Vegetation; and

~~(x)~~ (xiii) Radiation.

- (b) A description of all significant aspects of the proposed development shall be provided including, but not limited to, the following:

- (i) Anticipated timing of each major phase from construction through reclamation;
- (ii) All major ~~facilities~~Facilities, pit, trench, mine shaft, opening, head frame, mill, smelter, forge, or other processing facility, tailings disposal system, other waste disposal areas, sediment ponds, offices, other structures, roads, railroad lines, and utilities;
- (iii) All other major land uses within the M-PUD area;
- (iv) Expected ranges of volumes or tonnages and composition of all mine products, including ~~all~~ mine tailings and other wastes;
- (v) Maximum lateral extent, and minimum and maximum ~~depth~~depths of underground workings;
- (vi) ~~Methods~~The Reclamation Plan for ~~sealing~~ all shafts, pits, trenches, and other entries;
- (vii) Principal types of mining and processing equipment used;
- (viii) Reagents to be used in processing;
- (ix) Noise and vibration levels expected from the operation;
- (x) Plans for visual screening ~~(including light pollution and light trespass)~~;
- (xi) Measures to be taken to assure compliance with applicable air and water-quality standards;
- (xii) Anticipated hours of operation, months during the year the activity will occur, and number of years the operation will be active;
- (xiii) An estimate of the number of employees directly employed by the operation, by phase, including construction, as well as an estimated breakdown of the number of employees by job classification;
- (xiv) ~~An estimate of the number of employees expected to be recruited from the County including a~~ A general description of the Applicant's recruitment and training program;
- (xv) An estimate of anticipated utility and other public service and facility requirements;
- (xvi) An inventory and map of all known private or public water supply or sewer/septic facilities ~~within in the M-PUD~~ and within two miles of the M-PUD and located in the County;

- (xvii) An inventory of all private property located within one mile of the M-PUD and located in the County, and the most recent assessed and estimated fair market (from tax rolls) value of each such property;
- (xviii) Proposed or existing job training programs related to the M-PUD use;
- (xix) A statement of the Applicant's employment policy with respect to local hiring and retention;

~~(xx) An estimate of anticipated utility and other public service and facility requirements;~~

(xx) ~~(xxi)~~ A statement of whether or not the Applicant intends to engage in the process of smelting (other than small scale laboratory testing or analysis) in or near (meaning, within twenty (20) miles of) the County during any phase of the ~~metallie mineral mining~~ Metallic Mining, bulk sampling or prospecting project. If an Applicant's intention to engage in the process of smelting in or near the County is not disclosed as provided ~~In in~~ this sectionSection, - or if the Applicant ~~discloses~~ declares that it has no intention to engage in the process of smelting in or near the County, but ~~afterwards~~ later does engage in the process of smelting in or near the County, any ~~metallie mineral or prospecting permit shall be denied the Applicant or, if already granted, M-PUD~~ shall be revoked if, after an opportunity for a hearing, it is determined that the Applicant violated this ~~section~~ Section;

(xxi) ~~(xxii)~~ A report for measuring and documenting significant radiation levels in tailings and waste rock shall be provided; and

(xxii) ~~(xxiii)~~ An analysis of all significant ~~socio-economic~~ socioeconomic impacts of the proposed mining operation ~~on in~~ the County. Such analysis of impacts shall include, but not be limited to, impacts on all baseline conditions identified above, as well as impacts from temporary shutdowns of substantial duration and permanent closure of the mine; ~~and.~~

2. A Reclamation Plan shall be prepared and submitted with ~~an application the~~ Petition for mining. ~~The If the~~ following information is provided to the DNR pursuant to either s. 293.35(1), 293.37(2) or 295.49, Wis. Stats. ~~_____, or _____, the need to repeat, the requirement in this Ordinance to provide~~ the same shall be waived and a copy of such information shall be provided to the ~~county~~ County. To the extent ~~that~~ any of the following information is not ~~so~~ provided to DNR with copies to the County, ~~it originals~~ shall be provided directly to the ~~county~~ County. The ~~plan~~ Plan shall include the following:

- (a) A description of the proposed reclamation including final land use, final land shape, estimated final topography, and the ~~annual-anticipated~~ sequence of reclamation activity to be conducted;

- (b) A description of the utility and capacity of the reclaimed land to support the proposed ~~sequential~~final use;
- (c) A description of the measures to be taken to protect top soils prior to prospecting or mining;
- (d) A description of ~~the~~ grading and backfilling sequences, final slope angles, high wall reduction, benching, and terracing of slopes, slope stabilization, and erosion control;
- (e) A description of reclamation of waste areas, tailings ponds, sediment ponds, haulage roads, access roads, surface structures, and related ~~facilities~~Facilities;
- (f) A description of the final surface drainage, water impoundments, ~~and~~and natural or artificial lakes on the affected property;
- (g) A description of plant types, planting sequences, and maintenance or replacement of vegetative cover both during the proposed operation and upon completion of site reclamation;
- (h) A plan for the adequate covering or disposal of all pollutant-bearing minerals or materials;
- (i) The estimated cost of reclamation on a per acre of total project basis, ~~and~~ and proof that bonds or other financial assurance sufficient to provide for such cost have been, or will be, provided to the DNR pursuant to state law;
- (j) A description of the manner of preventing pollution as defined in s. 281.01(10), Wis. Stats. _____, resulting from the leaching of waste materials; and
- (k) A description of the manner of preventing significant environmental pollution by utilizing the "best available control technology" as defined in s. 285.01(12), Wis. Stats. _____.

3. A Petition for ~~a~~an M-PUD for ~~metallic mineral mining~~Metallic Mining shall include maps as required by Section ~~E above and~~ 9.4.19(E), in addition, ~~to a series of~~ to maps or plans showing the proposed sequence of the proposed operation, the direction and depth of the proposed ~~operation~~excavation, and expansion of waste ~~dumps~~areas, tailings ponds, and other materials movement or placement, and any similar maps or plans submitted to the DNR for purposes of its consideration of an application for a mining permit under chs. 293 and 295, Wis. Stats.

M. ~~METALLIC MINERAL~~-MINING LOCAL AGREEMENT

1. The ~~Local Mining~~Local Mining Impact Committee, acting alone or as part of a ~~Joint Committee pursuant to Section 293.41 or 293.443 Wis. Stats. Shall joint committee, shall~~ be responsible for the review and negotiation of ~~Local Agreements~~local agreements pursuant to ~~Section 293.443 and 295.41 ss. 293.41 and 295.443, Wis. Stats.,~~ with regard to all ~~metallic mineral mining~~Metallic Mining in the County.

2. ~~No metallic mining shall~~ Metallic Mining may be permitted in the County pursuant to ~~this Ordinance except pursuant to a Local Agreement~~ a local agreement adopted under this Ordinance.

3. Local ~~Agreements~~ agreements under this Ordinance require final adoption and ratification by majority vote of the County Board.

4. Local ~~Agreements~~ agreements for non-ferrous metallic mining shall be subject to a Public Hearing pursuant to s. 293.41(4)- Wis. Stats.

5. The Mining Impact Committee may hold public hearings with regard to a local agreement for ferrous mining.

6. ~~5.~~ A valid ~~Local Agreement~~ local agreement under this Ordinance shall include the following:

- (a) A legal description of the property subject to the agreement and the names of its legal and equitable owners;
- (b) The duration of the ~~Agreement~~ agreement;
- (c) The uses permitted on the land;
- (d) Any conditions, terms, restrictions or other requirements determined to be necessary by the County for the public health, safety, or welfare of its ~~residences~~ residents;
- (e) Any obligation undertaken by the County to enable the development to proceed;
- (f) The applicability or non-applicability of County ordinances, approvals, or resolutions;
- (g) Provisions for the amendment of the ~~Agreement~~ agreement;
- (h) Other provisions determined to be reasonable and necessary by the parties to the agreement.

7. A valid local agreement under this Ordinance may include, without limitation:

- (a) ~~(h)~~ Mining impact payments to the County;
- (b) ~~(i)~~ Education or job training assistance to residents of the County;
- (c) ~~(j)~~ Financial assurance as necessary to secure the performance of all obligations under the ~~Local Agreement~~ local agreement and County zoning and permits;
- (d) ~~(k)~~ A statement of owner, Applicant and operator local hiring policies, if any;
- (e) ~~(l)~~ Provisions to ensure against negative impacts on County property tax revenues;

- ~~(f) (m)~~ Provisions to protect against negative ~~impact~~ impacts on private property values;
- ~~(g) (n)~~ Operational, environmental, and operating reporting requirements;
- ~~(h) (o)~~ County sampling and inspection rights;
- ~~(i) (p)~~ Restrictions on assignment of the Applicant's, owner's or operator's rights under the ~~Local Agreement~~ local agreement;
- ~~(j) (q)~~ Requirements for ground water and surface water protection and restoration;
- ~~(k) (r)~~ Requirements for the protection and restoration of County public infrastructure;
- ~~(l) (s)~~ Requirements regarding contingency planning for emergencies;
- ~~(m) (t)~~ Establishment of a Citizens Advisory Committee;
- ~~(n) (u)~~ Provisions regarding dispute resolution;
- ~~(o) (v)~~ Parameters for the construction, operation, and reclamation of the development;
- ~~(p) (w)~~ Provisions regarding the legal defense of the ~~Local Agreement~~ local agreement;
- and
- ~~(x) Other provisions determined to be reasonable and necessary by the parties to the Agreement.~~
- (q) Provisions regarding impact fees, royalties, franchise fees, or payments in lieu of taxes.

N. **TERMINATION OF ~~METALLIC MINING USE~~**

Each Applicant shall provide notice of intent to permanently terminate all activity at ~~a~~ an I-PUD or M-PUD project site no later than one (1) year before ~~development~~ the use is to terminate. Each Applicant shall likewise provide notice by the end of each calendar year of any significant changes in anticipated timing of each major phase of the project as originally reported pursuant to Section ~~9.4.19(E)(2)~~ 9.4.19(E)(2). Each permittee shall provide notice of its intent to effect a temporary closure of the project site as soon as reasonably possible after the decision is made to effect the temporary closure, provided that such notice does not constitute a violation of any federal or state law. In the event of a notice of permanent termination, the ~~Owner~~ owner and ~~Operator~~ operator of the mining use shall post such reasonable additional financial assurance for closure and reclamation as may be required by the County Board ~~under~~ Section 9.4.19K(4)(d)(xi).

O. **METALLIC MINING OWNERSHIP TRANSFER**

No Applicant shall assign, will, gift, lease, or transfer any rights granted under an I-PUD or M-PUD, ~~Local Agreement, or permit~~ until the succeeding person has complied with all requirements of this ~~section and any Local Agreement~~ Ordinance. Upon such showing, the County Board may release the initial Applicant from its requirements and transfer the ~~permit~~ I-

PUD or M-PUD rights and obligations to the successor. In all other material respects, the terms of the I-PUD or M-PUD, ~~M-PUD Permit, Conditional Use Permits and Local Agreement~~ shall create rights of the County ~~which that~~ shall run with the land, ~~a memorandum of which may be recorded with the County Register of Deeds.~~

P. EXCEPTIONS TO HEIGHT LIMITATIONS IN M-PUD

1. Any structure height limit exceptions granted under an M-PUD shall meet the following requirements:

- (a) Appropriate firefighting equipment for a structure of the proposed size and type as required by the U.S. Department of Labor, Mine Safety and Health Administration, must be available;
- (b) ~~At least two fire~~ Fire exits shall be supplied to upper portions of the structure regularly used by humans, as required by the U.S. Department of Labor, Mine Safety and Health Administration;
- (c) The structure shall be engineered and constructed to withstand stresses due to wind, vibration from traffic, settling, freeze-thaw cycles, and other stresses imposed by the natural or human environment of ~~Iron~~ the County;
- (d) The structure shall not pose a hazard to surrounding properties due to falling objects or potential falling of the structure itself;
- (e) The structure shall be accessible by emergency vehicles ~~of all types~~, as required by the U.S. Department of Labor, Mine Safety and Health Administration; and
- (f) ~~the~~ The structure shall not interfere with ~~the~~ any surrounding residential character of the area.

Q. METALLIC MINING AND INDUSTRIAL PLANNED UNIT DEVELOPMENT PERFORMANCE STANDARDS

1. No land shall be used or occupied in any manner so as to violate any applicable County, State of Wisconsin or Federal environmental or safety ~~statue~~ statute, regulation, or standard.

2. Particular attention shall be given to assuring strict compliance with laws and standards for the following conditions:

- (a) Air pollution, including but not limited to ~~fly ash, dust~~, odors, fumes, smoke, vapors, gases, fly ash, dust and other particulates;
- (b) Surface water pollution, including but not limited to ~~;~~ nonpoint and point source discharges and impacts;
- (c) Groundwater pollution;

- (d) Solid or liquid waste disposal;
- (e) Radioactivity, ~~and~~ electrical disturbances;
- (f) Fire and explosives; ~~and~~
- (g) Noise; ~~and~~ and

(h) Acid drainage from sulfide tailings, waste, or other exposures.

R. ADDITIONAL CONSIDERATIONS ~~M-PUD OR I-PUD~~

No M-PUD or I-PUD shall permit land to be used or occupied in any manner so as to create glare, vibration, or heat, ~~which~~ that significantly affects the public health, safety, comfort, convenience, prosperity, aesthetics, ~~and or~~ other aspects of the general welfare of the residents of ~~Iron~~ the County to the extent that it causes a public nuisance.

S. ECONOMIC BALANCING TEST ~~M-PUD OR I-PUD~~

In considering ~~an application for a planned development permit and any conditional use or land use permits a~~ Prepetition or Petition for a proposed M-PUD or I-PUD development or project, the Zoning Committee and County Board shall consider the effect of the ~~grant~~ Prepetition or Petition on health, general welfare, safety, and economic prosperity of the County and the immediate area in which such use would be permitted. The Mining Impact Committee, Economic Development and Legislative Board shall deny the Prepetition, and the Zoning Committee shall recommend denial of ~~an application for a planned development permit and any conditional use permits a~~ Petition, for a proposed development or project, and the County Board ~~shall~~ may deny such permits, if the proposed development or project results in a net economic detriment to the County.

T. COUNTY CODE COMPLIANCE ~~M-PUD OR I-PUD~~

The County Board, by granting ~~of a an~~ M-PUD or I-PUD ~~permit~~, requires compliance with all applicable County ordinances unless specifically exempted by ~~PUD, PUD Permit, Conditional Use Permit, or Local Agreement~~ the PUD. The County Board may also condition the issuance of ~~a PUD permit an M-PUD or I-PUD~~ on such other terms as it deems necessary to further the purpose of this ~~ordinance~~ Ordinance.

~~U. COUNTY BOARD~~ LEGISLATIVE OR QUASI JUDICIAL DISCRETION

Nothing in this Ordinance shall be construed to mean that the County Board ~~, Mining Impact Committee, Economic Development and Legislative Committee~~ or Zoning Committee is required to approve any ~~application for a~~ Prepetition or Petition for an M-PUD or I-PUD. County Board approval of ~~a an~~ M-PUD or I-PUD ~~or permits thereunder, or a Local Agreement~~ is a discretionary and legislative ~~or quasi-judicial act,~~ but in no event an administrative act ~~and to the extent quasi-judicial must be supported by credible evidence and not arbitrary and capricious.~~

Section _____. Any ordinances or resolutions or portions thereof of ~~which~~that conflict further with this ~~ordinance~~Ordinance are hereby and to such extent repealed.

Section _____. This ~~ordinance~~Ordinance shall take effect upon its passage and publication.

PASSED AND ADOPTED by the Board of Supervisors of the County of Iron this _____ day of _____, 2014.

COUNTY OF IRON

Joseph Pinardi, County Board Chair

Michael J. Saari, County Clerk

| Comparison Details | |
|---------------------|---------------------------------------|
| Title | compareDocs Comparison Results |
| Date & Time | 11/07/14 4:20:41 PM |
| Comparison Time | 5.78 seconds |
| compareDocs version | v4.1.0.29 |

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