

**ZONING CODE 17.30  
METALLIC MINERAL MINING AND PROSPECTING**

**17.30 SPECIAL USE PERMIT REQUIRED.** Metallic mineral mining and prospecting shall be permitted only as a special use and only if a permit is obtained pursuant to the requirements of this section and of S17.40 and any other applicable section of this chapter.

**17.31 METALLIC MINERAL MINING AND PROSPECTING: PERMIT REQUIREMENTS.**

- (1) PROHIBITED AREAS.** No metallic mineral ponds may be built, operated or maintained within any of the following areas:

  - (a)** Within areas identified as unsuitable as defined in S144.81(18), Wis. Stats.
  - (b)** Within 1,500' of any navigable lake, pond or flowage.
  - (c)** Within 500' of a navigable river or stream.
  - (d)** Within a floodplain.
  - (e)** Within 500' of the nearest edge of the right-of-way of any of the following: a State trunk highway, an interstate or federal highway or a County highway. Additionally, any mine related structure or tailings pond must be rendered inconspicuous, regardless of the season, by means of screening to consist of plantings compatible with the surrounding environment or earth berm.
  - (f)** Within 3,000' of the boundary of any village or city.
  - (g)** Within 3,000' of any hospital, church, school, public park or cemetery.
  - (h)** Within 1,500' of any public or private well.
  - (i)** Within 1,500' of any residence or farm building.
  - (j)** Within an area where the Wisconsin Department of Natural Resources finds that there would be a probability that mining and/or mine waste disposal would violate groundwater standards of Ch. NR 105, Wis. Adm. Code, or any other administrative rule of the Department of Natural Resources pertaining to groundwater, or within an area where the County Zoning Committee finds that mining and/or mine waste disposal would violate local groundwater standards. The groundwater standard in the County shall be a standard of nondegradation; that is, no activity which results in a degradation of the present quality or quantity of groundwater will be permitted. If any of these standards differ from each other, the strictest standard shall be applied.
- (2) STANDARDS.**

  - (a)** A buffer of at least 200' along the applicant's property line shall be required. Additionally, 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 to preserve the use of the adjacent land.
  - (b)** It shall be the responsibility of the applicant to provide for itself adequate utilities, roads, drainage, traffic plans and public utilities.
  - (c)** A metallic mineral mining or prospecting project shall be located, designed, constructed and operated in such a manner so as to protect groundwater in accordance with Ch. 144, Wis. Stats., any administrative rules adopted pursuant to that section and any other federal, State or local regulation, including the nondegradation of groundwater standard contained in this chapter. If any of these standards differ from each other, the strictest standard shall be applied.
- (3) CASH DEPOSIT.**

(a) Before a permit is issued, the applicant shall deposit into an interest bearing trust account \$1,000,000 or \$5,000 for each well within 2 miles of the boundary line of the property of the applicant and for each well located in any other area which have indicated there is the possibility of adverse effects from mining related activities. The applicant shall be required to deposit the greater amount; that is, if fewer than 200 wells exist in the above described area, the applicant shall be required to deposit \$1,000,000; if more than 200 wells exist in the above described area, the applicant shall be required to deposit \$5,000 for each well.

(b) This money shall be first used to pay for replacing any contaminated or damaged or depleted wells and/or for providing water to any well owner whose well has been contaminated, damaged or depleted; and whose well is within 2 miles of the boundary line of the property of the applicant, or within any other area which hydrology studies have indicated an be adversely affected by the mining project or the disposal of its wastes.

(c) Hydrology studies are to be done prior to the beginning of the project by an independent consultant agreeable to the applicant and the County. The costs of the studies are to be at the expense of the applicant. The information obtained by the hydrology studies shall be included in the community impact report, and submitted to the chairman of the town where the deposit is located and the County Clerk to be kept on file and to be made available to the public.

(d) If and when the amount of accumulated interest equals the amount of the initial deposit, the applicant may collect the interest which is in excess of twice the amount of the original deposit until the applicant has received an amount equal to the sum which he originally deposited. The original deposit and other accumulated interest shall remain in the trust account, even after any mining operation has been completed and/or discontinued, to be used for replacing any contaminated, damaged or depleted wells, the contamination, damaging or depletion of which had not yet been developed or been discovered at the time of such completion or discontinuation; and/or for providing water for any well owner whose well have been contaminated, damaged or depleted, the contamination, damaging or depletion of which had not yet developed or been discovered at the time of such completion or discontinuation. If any well in the above described area is contaminated, damaged or depleted, the well owner will be provided with water and/or the well owner's well will be replaced. The applicant agrees not to object to the disbursement of funds from the trust account for these purposes.

1. The applicant consents to the establishment of a trust account at a bank or financial organization mutually agreeable to him and the County and also to the designation of the well fund administrator under Subpar. 3. below.

2. The County Zoning Committee is designated to supervise the activities of the well fund administrator. It shall also approve of the distribution of moneys from such fund to owners of contaminated, damaged or depleted wells. In so doing, it shall be empowered to hold meetings for the purpose of ascertaining whether complained of well damage resulted from the mining operation which has established the particular well fund in question and it shall also ascertain the amount of such damages and shall authorize the well fund administrator to disburse such amount to the owner or to purchase and provide water to the owner.

3. The Zoning Administrator shall be designated to administer the trust account on behalf of the County and shall be called the well fund administrator. Such person shall perform his responsibilities as a fiduciary on behalf of the County, the well owners and the applicant and shall discharge his duties faithfully and without the right of compensation in addition to that prescribed generally for his office or position of employment by the County Board. Among the responsibilities which he shall pursue shall be the following:

- a. In accord with this subsection, the Administrator shall distribute to the applicant that accumulated interest to which he is entitled.

b. Subject to approval of well damage claims by the County Zoning Committee, the Administrator shall disburse moneys to replace contaminated, damaged or depleted wells or for providing water to well owners.

c. Pursuant to Ch. 177, Wis. Stats., the Administrator shall, absent disbursements under subpars. a. or b. above, during a given calendar year, at least annually contact the bank or financial organization holding the deposit and communicate sufficient information with which to meet the provisions of S117.02(1)(a), (b) or (c), Wis. Stats., and maintain the account on an active status.

d. At the conclusion of the period commencing with the time of the initial deposit and ending with the passage of 100 years, the Administrator shall disburse all remaining funds in the account to the County general fund, for use by the County in such manner as the County Board deems to be appropriate.

e. On an annual basis in the month of March, the Administrator shall issue a report to the Zoning Committee as to the status of the fund, distributions made therefrom, interest and principal, which report shall cover the preceding calendar year to and through December 31 thereof.

f. Such other and further duties as are prescribed by the Zoning Committee from time to time.

g. At the conclusion of the first 30 years from and after the time of the initial deposit by the applicant, the County Zoning Committee or its successor shall meet to ascertain the status of the well fund and to determine whether the need exists to maintain in the fund a sum of money in excess of \$12,000,000. Subject to further review by the Committee between that time and the time designated for automatic termination of the fund and its disbursement in accord with subpar. (d)3.e. above, in the event of a change in the Committee's findings as to need, the Committee may authorize the Administrator to disburse all moneys accumulated beyond the total sum of \$12,000,000 in interest and principal or, alternatively, restrict or revise his authority to do so. In the event of an order to disburse, the Administrator shall be instructed to disburse such moneys on an annual basis, payable to the County general fund and, thereafter, as to any moneys so disbursed the County Board shall have the full power to use such funds as it deems appropriate.

**(4) WELL MONITORING.**

(a) For a period of 2 years prior to the commencement of the construction of any mine, and during the period of operation of any mine, and for 30 years thereafter, an applicant shall monitor on a continuous basis all private and public wells located within 2 miles of the boundary line of the property of the applicant or any wells that the hydrological study shows should be monitored, in order to provide baseline data concerning quantity and quality of water adequate for all purposes, including, but not limited to, determining the validity of any well damage claim. The well monitoring intervals shall be negotiated at the time of the permit application. This monitoring shall be done by an independent consultant agreeable to both the County and the applicant. That consultant shall employ the split sample technique and shall make samples available upon request to the County or any person or consultant designated by the County to receive such samples. The information obtained in this monitoring program shall be included in the community impact report prepared pursuant to this subchapter.

(b) Hydrology studies shall be completed as part of the permit requirement by an independent consultant agreeable to the applicant and the County. The information obtained shall be included in the community impact report prepared pursuant to this subchapter, and submitted to the County Zoning Administrator, the County Clerk and the

town clerks of affected areas, to be kept on file and available to the public. Each owner of a well in the above areas shall be given a copy of the information relevant to his well or wells and a copy of the full hydrological studies, if requested.

(5) **BLASTING.** As soon as possible before the beginning of any blasting, the applicant shall submit to the County Zoning Committee a photographic survey of all buildings which might suffer damage from the blasting. After consulting with the applicant and considering all relevant information, the County shall establish the scope of the survey by determining the radius of the survey area as measured from the point or points of the blasting activity. The survey shall include photographs of foundations of buildings as well as exterior views of all sides of the buildings. In determining the proper scope of the photographic survey, the County and applicant should make the scope broad enough to provide baseline data for determining the validity of any claim of damage to buildings caused by blasting.

(6) **LOCATION.** A metallic mineral mining and prospecting project shall be located, designed, constructed and operated in such a manner as to:

(a) Prevent any surface or subsurface discharge from the facility into navigable waters and the groundwater that would cause a violation of water quality standards issued pursuant to Ch. 144, Wis. Stats., and any applicable administrative rules adopted pursuant to that section or any other standards issued pursuant to federal, State or local regulations, including the nondegradation of groundwater standard contained in this chapter.

(b) Prevent any surface or subsurface discharge from the facility into navigable waters that would cause a violation of the control on the discharge of any toxic substances under Ch. 147, Wis. Stats.

(c) Comply with all applicable regulations promulgated under Ch. 147, Wis. Stats., if point source discharges to navigable waters exist, including point source discharges from leachate collection systems or surface water runoff collection systems.

(d) Meet pretreatment standards for discharges to publicly owned treatment works, issued pursuant to Ch. 147, Wis. Stats.

(e) Divert surface water runoff from a 24 hour, 100 year storm around portions of the facilities containing ore, product or mine or prospecting waste provided, however, structures to accomplish the diversion do not need to be constructed if it can be demonstrated that surface water runoff will not come into contact with such materials.

(f) Control surface water runoff from portions of the facilities containing ore, product or mine or prospecting waste up to the quantity anticipated from 24 hour, 100 year storm by collecting, confining, treating or discharging the surface water runoff as may be required by regulations promulgated under Ch. 147, Wis. Stats.

(7) **AIR EMISSIONS.** A metallic mineral mining or prospecting project shall be located, designed, constructed and operated in such a manner so as to prevent air emissions from such facilities causing a violation of standards or regulations promulgated pursuant to Ch. 144, Wis. Stats., or any applicable federal or local air quality standards. If any of these standards differ from each other, the strictest standard shall apply.

(8) **OTHER REGULATIONS.** Any metallic mineral mining or prospecting project shall also comply with the following provisions:

(a) The applicant shall dispose of all toxic and hazardous wastes, refuse, tailings and other solid waste in solid or hazardous waste land disposal facilities licensed under applicable State, federal or local control regulations for metallic mining waste or other solid waste or other toxic substances. If any of these regulations differ from each other the strictest regulations shall be applied.

**(b) The applicant shall seal all tunnels, shafts or other underground openings upon the completion of activities in the metallic mineral mining or prospecting project and shall prevent seepage in amounts which may be expected to create a safety, health or environmental hazard, unless provisions and plans are made for alternative uses of tunnels, shafts or other openings which do not threaten public health and safety and which conform to applicable environmental protection laws and rules.**

**(c) The applicant shall manage, impound and treat all underground or surface water or runoff waters from open pits or underground or prospecting or mining sites so as to prevent soil erosion or damage to agriculture lands or livestock.**

**(d) The applicant shall remove all surface structures constructed as part of prospecting or mining operations upon termination of such operations, unless they are converted to an alternate use acceptable to the town board of any town in which operation is located (hereinafter referred to as "the town board") and to the County Zoning Committee, as determined pursuant to the requirements of S17.40 of this chapter.**

**(e) The applicant shall take adequate measures to prevent surface subsidence from any mine related activity including, but not limited to, tunneling, blasting, digging or drawing down of the water table. If such subsidence does occur, the applicant shall take immediate action including, but not limited to, fencing and posting warning signs, to protect the public from any hazard caused by the subsidence. In addition, the permit holder shall take prompt action to reclaim the land which has subsided.**

**(f) The applicant shall preserve topsoil and subsoil for purposes of future use in reclamation.**

**(g) The applicant shall revegetate disturbed soils for stabilization and reclamation and shall reestablish a variety of populations of plants indigenous to the area immediately prior to prospecting or mining.**

**(h) No disturbance to wetlands shall occur.**

**(i) No destruction of filling in of a lake bed, lake, stream channel or river channel shall occur.**

**(j) The applicant shall provide bonds for the purposes in the reclamation plan subsection of this section to the extent that those provided to the Wisconsin Department of Natural Resources are deemed insufficient by the town board and the County Zoning Committee acting pursuant to S17.40 of this chapter.**

**(k) The applicant shall inspect any tailings dike or pond on a daily basis by visual means or scientifically superior means. Such inspections shall focus on the early detection and delineation of problems with the tailings pond or dike including, but not limited to, the following: seepage, erosion, cracking, slumping, settling, formation of animal holes, quantity and quality of seepage, condition of crest road, amount of freeboard, condition of vegetation and any other object or process which might affect the integrity of the tailings pond or dike. In addition, the applicant shall designate one or more qualified personnel, such as the senior mine engineer, to inspect the tailings pond or dike on a monthly basis. If the person or persons making the monthly inspections is not a registered engineer, then the applicant shall provide for quarterly inspections by a registered engineer. In addition, the applicant shall inspect the tailings pond or dike after any unusual natural occurrence including, but not limited to, the following: tornado, flood or any other natural event which the applicant should expect could affect the integrity of the tailings pond or dike. All daily inspections shall be recorded in a log and kept on the premises of the mine and available for inspection by County officials or town board members during regular business hours. The applicant shall prepare reports of all other inspections and submit copies to the County and the town board. The applicant shall permit inspection of the tailings pond or dike by a registered engineer shall make his inspections quarterly during regular business hours or at such other time as is mutually agreeable to the County and the designated engineer. The designated**

engineer shall prepare reports of his inspections and submit copies to the permit holding company, County and the town board.

**(9) PERMIT DENIAL.** A permit may be denied if any of the following situations may be expected to occur during or subsequent to prospecting or mining:

(a) Landslides or deposition from the proposed operation in stream or lake bed.

(b) Surface subsidence which cannot be reclaimed.

(c) Hazards resulting in damage to any of the following:

1. Surface or groundwater.

2. Soil.

3. Air.

4. Dwelling houses.

5. Public buildings.

6. Schools.

7. Churches.

8. Cemeteries.

9. Commercial or institutional buildings.

10. Public roads.

11. Habitat required for survival of vegetation or wildlife designated as endangered through prior inclusion in rules adopted by the Department of Natural Resources.

**(10) PERMITS.** A metallic mineral mining or prospecting permit shall not be considered under this section unless a corresponding mining or prospecting permit application has been submitted to the Department of Natural Resources, and a copy of that application submitted to the County Zoning Committee and to the town board or town boards.

**(11) ECONOMIC IMPACT STUDY.** The application for a permit for a metallic mineral mine operation shall be denied if on the basis of all information gathered by the County, the County projects that the mining operation will result in an adverse economic impact on the County. Post mining environmental and economic costs are to be included in the economic consideration.

**(12) WATER SUPPLIES.** No withdrawal of groundwater, no dewatering of mines and no flooding of mines may be made to the detriment of public or private water supplies.

**(13) REGULATIONS TO BE ADOPTED.** No application for a permit to mine uranium shall be considered until local regulations for uranium mining are enacted or until the Department of Natural Resources, pursuant to its authority in Chs. 140 or 144, Wis. Stats., NR 182.02(9), Wis. Adm. Code, or any other applicable statute or administrative rule, has adopted standards which are adequate to protect public health, safety and welfare and the environment from radiation and other hazards. If any of these standards differ from each other, the strictest shall apply.

**(14) REVOCATION OF PERMIT.** Violation of any permit requirements shall result in the revocation of the mining permit issued pursuant to this subchapter.

**(15) BOND.** After consulting with the applicant and considering all relevant information including, but not limited to, information gathered at public hearings and provided by the town board, the County may require the applicant to post a bond in an amount the County shall determine, the

amount of which shall be sufficient to cover all reasonably foreseeable damages and negative impacts stemming from mining operations which are not already adequately bonded for under other local, State and federal requirements.

**17.32 METALLIC MINERAL MINING AND PROSPECTING: SUBMITTAL REQUIREMENTS.**

**(1) COMMUNITY IMPACT REPORT.** Applicant shall prepare and present a community impact report containing the information required by the filing section of this subchapter in addition to the information described below:

**(a)** all information relative to community impact which the applicant submits to the Wisconsin Department of Natural Resources.

**(b)** A description of all baseline conditions within the proposed permit area and the areas of the County expected to be impacted by the activity, including an estimate of such baseline conditions for the project life of the proposed operation if such were permitted. Such baseline conditions shall include, but not be limited to, the following:

1. Groundwater.
2. Surface water.
3. Economic activity.
4. Air quality.
5. Noise levels.
6. Major land use.
7. Visual appearance.
8. Housing.
9. Traffic.
10. Utilities, schools, police and fire protection, sewage treatment and other public services.
11. Unique cultures and life styles.
12. Wildlife.
13. Vegetation.
14. Farm or other domestic animals.
15. Farm activities on any type of farm.
16. Radiation.

**(c)** A description of all significant aspects of the proposed operation including, but not limited to, the following:

1. A description of the kind of mining to be done, whether open pit or underground, and a statement of the reasons for choosing one type of mining over the other.
2. Methods of refilling or reclaiming the mine no matter what method or combination of methods is used and methods of refilling or reclaiming areas for disposal or storage of any mine tailings or waste.

3. The proposed use of both topsoil and subsoil during and after the mining project.
4. The individual and cumulative effects of this proposed project on this applicant opening any other mines within this County.
5. Anticipated timing of each major phase from construction through reclamation.
6. All major facilities, including mine shaft or opening, headframe, mill or other processing facility, open pit, tailings disposal system, other waste disposal areas, sediment ponds, offices and other structures, roads, railroad lines and utilities.
7. All other major land uses within the permit areas.
8. Expected ranges of volumes or tonnages and composition of all significant mine products, including all mine tailings and other wastes.
9. Maps showing the maximum lateral extent, minimum and maximum depth of underground or open pit workings and the precise location of shafts, tunnels and other underground workings. Any map submitted to satisfy this requirement shall be updated on a quarterly basis.
10. Methods for sealing all shafts and other entries.
11. Principal types of mining and processing equipment to be used.
12. Reagents to be used in processing.
13. Noise and vibration levels expected from the operation.
14. Plan for visual screening.
15. Measures to be taken to assure compliance with applicable air and water quality and quantity standards.
16. Anticipated hours of operation, months during the year the activity will occur and number of years the operation will be active.
17. An estimate of the number of employees directly employed during each phase, and an estimated breakdown of the number of employees by job classification.
18. An estimate of the number of employees expected to be recruited from the County and a description of the applicant's recruitment and training program.
19. An estimate of anticipated utility and other public service and facility requirements.
20. Core samples from any proposed mining operations.
21. Radiation levels in waste rock shall be measured and documented.

(d) The applicant shall provide an analysis of all impacts of the proposed mining operation on the County as well as on townships within the County expected to be affected by the activity. Such analysis of impact shall include, but not be limited to, impacts on all baseline conditions identified pursuant to this subchapter as well as impacts from temporary shutdowns of 3 months or more and from permanent closure of the mine.

(2) **RECLAMATION PLAN AND RESPONSIBILITY.** The applicant shall prepare and submit to the County Zoning Committee and the town board:

(a) All information relative to reclamation which the applicant submits to the Wisconsin Department of Natural Resources.

- (b) A description of the proposed reclamation plan, including final land use and shape, estimated final topography and the annual sequence of reclamation activity to be conducted.**
- (c) A description of the utility and capacity of the reclaimed land to support the proposed sequential use.**
- (d) A description of the kinds of measures to be taken to protect topsoils and subsoils.**
- (e) A description of the grading and backfilling sequences, final slope angles, highwall reduction, benching and terracing of slope stabilization and erosion control methods.**
- (f) A description of the reclamation of waste areas, tailing ponds, sediment ponds, haulage roads, access roads, surface structures, open pits and related facilities.**
- (g) A description of the final surface drainage, water impoundments and artificial lakes, if any, on the affected property.**
- (h) A description of plant types, planting sequences and maintenance or replacement of vegetative cover both during the proposed operation and upon the completion of site reclamation.**
- (i) A plan for the adequate covering or disposal of all pollutant-bearing minerals or materials.**
- (j) The estimated cost of reclamation on a per acre of total project basis and proof that bonds sufficient to provide for such costs have been provided to the Wisconsin Department of Natural Resources pursuant to applicable State law.**
- (k) A description of the manner of preventing pollution which results from the leaching of waste materials.**
- (l) A description of the manner of preventing environmental pollution as defined in Ch. 144, Wis. Stats.**
- (m) No principal holding a mining permit issued under this section may avoid financial responsibility for reclamation by becoming delinquent in the payment of its taxes.**
- (n) Reclamation must begin within one year after the closing, whether temporary or permanent, or any mine.**

**(3) CONTENT OF SUBMITTED DRAWINGS.** An application for a metallic mining or prospecting permit shall include maps as required by the filing section of this subchapter in addition to a series of maps or plans showing the proposed sequence, direction and depth of the proposed operation, the precise locations and dimensions of all tunnels, expansion of waste dumps and tailing ponds and other materials movement. The applicant shall review and update all drawings annually.

**17.33 TERMINATION OF MINING.** Each permittee shall provide notice of its intent to permanently terminate all activity at the project site no later than one year before the proposed operation is to terminate. Each permittee shall provide notice by the end of each calendar year of any significant change in the anticipated timing of each major phase of the project as originally reported in its plan of operation submitted pursuant to this subchapter.

**17.34 OWNERSHIP TRANSFER.** No permittee shall sell, lease, assign or transfer in manner any rights granted under a permit until the succeeding person (whether natural or legal) has complied with all the requirements of this chapter, including the requirements of this subchapter. At that time and upon such showing, the County may release the initial permittee from its requirements and transfer the permit to the successor permittee. Before transfer, the County may require posting of bonds by the transferrer or transferee in amounts sufficient to cover all reasonable foreseeable damages stemming from mining operations which are not already adequately bonded for under other local, State and federal requirements.

**17.35 FILING FOR PERMIT.** The filing requirements contained in this section shall be in addition to the filing requirements contained in any other section of this subchapter. For metallic mineral mining and prospecting projects, the filing provisions of this section and any other section of subchapter shall control over conflicting sections, if any, of this chapter. An application shall include the following:

- (1) An application fee in the amount of \$10,000, which shall be used to defray the costs of processing the applications.
- (2) A signed and notarized statement from the applicant stating:
  - (a) The name and address of the applicant.
  - (b) A summary in 500 words or less describing the nature and scope of the project.
  - (c) A legal description of all land proposed to be included in the project.
  - (d) A description of the applicant's ownership interest in the property.
  - (e) Dates construction will begin and end.
  - (f) The applicant's best estimate and explanation of the life expectancy of the project.
  - (g) 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 and other materials.
  - (h) A statement that all information is accurate and complete to the best of the applicant's knowledge.

- (1) A statement that the applicant agrees to abide by all the provisions and requirements of this chapter.**
- (3) A map prepared by a registered surveyor in the State showing the proposed project location as it currently exists. The map shall show the following at an appropriate scale:**
- (a) Boundaries of the property and locations of monuments.**
  - (b) Contour lines at 5' intervals.**
  - (c) All major drainages.**
  - (d) Size of the property.**
  - (e) High watermark of watercourses or water bodies, if any.**
  - (f) Adjacent roadways and disturbances to public road to which access is proposed.**
  - (g) Existing structures or other man-made features.**
  - (h) Scale and north arrow.**
  - (i) Any other feature of major importance or other information necessary to accurately represent the area.**
- (4) A description of the proposed project in sufficient detail to allow the County Zoning Committee and town boards to assess probably physical, environmental and developmental impacts of the proposal. The description shall include, at a minimum, the following:**
- (a) A description of the timing and phasing of the project including maps of all major phases.**
  - (b) A map of the completed development.**
  - (c) A description of any related development taking place or planned to take place in the County or town.**
  - (d) A statement of known physical, environmental or developmental impacts on other properties in the County or town.**
  - (e) Any other information necessary for the County Zoning Committee or town boards to assess probable physical, developmental or environmental impacts of the project.**
  - (f) Sewer and water lines, streets, septic systems and utilities.**
- (5) Any other documents required under any other section of this chapter.**
- (6) An application shall be filed with the Zoning Administrator. The applicant shall present 15 copies of all materials listed in the preceding paragraphs plus the filing fee. The Zoning Administrator shall immediately initial and date one copy of each of the materials filed with him. The copy of materials initialed by the Zoning Administrator shall be delivered by him to the County Clerk to be preserved with County records. One copy may be retained by the Zoning Administrator for his use. One copy shall be given to each member of the County Zoning Committee and to each member of the town board or town boards. The remaining copies shall be publicly available in the following locations:**

- (a) The town hall of any town in which the planned metallic mineral prospecting or mining project is proposed.
- (b) The office of the County Zoning Administrator.
- (c) The office of the County Clerk.

**17.36 ZONING COMMITTEE ACTIONS AND PUBLIC HEARINGS.**

- (1) The Zoning Administrator shall place notice of the application on the next meeting agenda of the County Zoning Committee. The Zoning Administrator shall give notification of the County Zoning Committee meeting by registered letter to the town chairman of any town in which any part of the proposed metallic mineral prospecting or mining project would be located.
- (2) At the meeting referred to in the preceding subsection the Zoning Committee shall set a date for an informational public hearing on the application. The public hearing shall be scheduled no sooner than 15 days after the meeting and no later than 45 days after the meeting. The hearing shall be located in the town where the development is proposed or, if more than one town is involved, the meeting shall be held in the town with the largest land area to be included in the district or at the County seat.
- (3) No later than 60 days after the informational public hearing the Zoning Committee shall hold a meeting and adopt recommendations on the application and/or act to gather more information on which to base recommendations. The Zoning Administrator shall give notification of the County Zoning Committee meeting by registered letter to the town chairman of any town or towns in which the proposed metallic mineral prospecting or mining project would be located.
- (4) After the County Zoning Committee adopts recommendations on the application, a public hearing shall be held on the recommendations within 90 days. The hearing may be held in any town in which any part of the proposed metallic mineral prospecting or mining project would be located, at the County seat, or at any other suitable facility designated by the Zoning Administrator. The Zoning Committee may, if directed by the County Board, schedule the required hearing to coincide with a meeting of the County Board.
- (5) Following the second public hearing the Zoning Administrator shall, within 60 days, deliver to the County Clerk the Committee recommendations and a summary of the comments at the second public hearing. The County Clerk shall place the recommendation on the agenda of the next County Board meeting.
- (6) No more than 90 days after the County Clerk receives the Committee recommendations and summary of contents of the public hearing described in sub. (4), above, the County Board shall consider and take action on the recommendation of the Committee.
- (7) If the County Board approves the application, the Zoning Administrator shall issue the permit.
- (8) The applicant may request cancellation of all further consideration of the application at any time by notifying the Zoning Administrator in writing.
- (9) All permits shall be reviewed by the County Zoning Committee every 2 years or more frequently if problems in the operation of the mine occur which, in the County Zoning Committee's view, justify more frequent review.

**17.37 SPECIAL USES: METALLIC MINING AND PROSPECTING: SMELTING.** No smelting will be considered unless application for smelting is made at the same time as the original application if made.

**17.38 PERMIT TO PRINCIPAL.** Any permit to engage in metallic mineral mining, prospecting or smelting granted pursuant to this section and the provisions of S17.40 shall be granted only to a principal (a person natural or legal) and not to any subsidiary company or corporation, whether or not wholly owned by the principal.

**17.39 OTHER PROVISIONS.**

(1) If any provisions of this subchapter are inconsistent with provisions of other sections of this chapter, the provisions of this section shall supersede.

(2) Nothing in this subchapter shall be construed to mean that the Zoning Committee or the County Board shall be required to approve an application for metallic mineral mining, prospecting or smelting.

(3) As part of the mining permit, the mining company must agree not to challenge in court any code, zoning ordinance or negotiations made as part of the mining permit.

(4) As the zoning ordinance is not written, the County hearing process on a mining permit could happen before the Environmental Impact Statement had been submitted for review. No mining permit application will be considered:

(a) Prior to 4 months after an informational hearing has been held on the final Environmental Impact Statement.

(b) Prior to 6 months after submission of the final Environmental Impact Statement to the public.

(5) Any variance to the section shall be pursuant to S17.40 of this chapter.

(6) Under no circumstances shall the interest bearing trust account fall below \$500,000. It shall be the responsibility of the applicant to maintain this minimum balance.