



**MARATHON**  
**COUNTY**

# Metallic Mining Text Amendments to Chapter 17 - General Zoning

Marathon County Land Conservation  
and Zoning Committee

February 27, 2018



Presenters:

Scott Corbett, Corporation Counsel  
Dean Johnson, Zoning Administrator

# Purpose of this Meeting

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Conservation, Planning,  
& Zoning Department

- Educate the Land, Conservation, and Zoning (LCZ), Committee on the proposed Metallic Mining Code language.
- Allow LCZ Committee to ask questions of staff on the proposed language.
- This is a business meeting of LCZ, public input will not be requested at this time. The hearing scheduled for March 1<sup>st</sup> is for the purpose of taking public input.
- Review procedures for the Public Hearing on Metallic Mining proposed code language.

# Legislative changes

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- 2017 Act 134 amended Chapter 293 of Wisconsin Statutes for the purpose of permitting metallic mining in Wisconsin
- Legislation is effective July 1, 2018

# Direction presented to Staff

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Marathon County Executive Committee's motion:

- To direct appropriate standing committees and Corporation Counsel to develop a county approach in protecting the county and towns interests as far as it relates to mining.

# Prospecting and Bulk Sampling

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- This section of code does not regulate bulk sampling or prospecting
  - Timeframe
  - Known deposit has been sampled and explored already to this date
  - Based on the proposed metallic mining code framework, language for prospecting and bulk sampling will be developed in future code amendments

# Intent and Goals

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- It is not the intent of Marathon County to duplicate or supersede the regulatory authority of the Wisconsin Department of Natural Resources (WI DNR) or other state or federal government agencies.

# Intent and Goals (continued)

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& Zoning Department

- It is the intent of Marathon County to require a metallic mine applicant to provide copies of the information submitted by the applicant to the WI DNR or other state or federal government agencies for the purposes of permitting.

# Intent and Goals (continued)

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- It is also the intent of Marathon County to require the applicant to pay all costs including but not limited to:
  - Review and permitting
  - Monitoring of the active mining site
  - Monitoring of the mine site after closure

# Framework of Code

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- Zoning authority
- General Requirements
- Local Regulations
- Financial Responsibility of Owner/Applicant
- Local Impact Committee



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# Zoning Authority

- Pursuant to WI Stat 59.69, Marathon County has the authority to regulate land use in the interest of public health, safety and general welfare.
- Central to this authority is the power to set standards and guidelines for development such as:
  - Setbacks/buffers
  - Prevention of adverse impacts
  - Monitoring
  - Reclamation
  - Financial assurance
  - Etc.

# General Requirements

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- The metallic mining zoning language will be effective in Towns that have or will adopt County Zoning.
- The “use” of metallic mining will be allowed **only** in the General Agricultural District.

# General Requirements (continued)

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& Zoning Department

- Conditional Use Permit will be required:
  - Board of Adjustment public hearing on application
  - Applicant required to submit copies of all State and Federal Documents
  - Board of Adjustment has legal right to set conditions to the permit if there is substantial evidence that would suggest a condition should be established

# Local Regulations

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& Zoning Department

- All distances proposed are TO BE DETERMINED BY LAND, CONSERVATION, AND ZONING COMMITTEE.
- CPZ recommendations regarding the appropriate distances and amounts of certain regulations.
- These represent our best recommendations in consideration of other limits set forth in this zoning code.
- Ultimately, however, it is for you the committee and the County Board to make the final determination.

# Local Regulations (continued)



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The following are not under the control of the DNR:

- Within 300 feet of any Marathon County owned land; any land owned by a city, village, town or any other political subdivisions of the State of Wisconsin, excluding road right of ways;
- Within 300 feet of any residential structure;
- Within 150 feet of any non-residential structures;
- Within 1200 feet of any water well used for potable water beyond the boundary of the mining site.

# Local Regulations (continued)



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- Buffer zone:
  - The buffer zone is an area to be left in its natural state except for the planting of native trees or shrubs to provide an aesthetic visual barrier to the active mine site.
  - A 500 foot buffer zone shall be established and maintained within the boundaries of the mining site.
  - Buffer exception: if the applicant owns additional land adjacent to the mining site that meets this requirement.

# Local Regulations (continued)

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& Zoning Department

- Buffer zone (continued):
  - The buffer zone is to remain during active mining and for a period of 40 years following issuance of certificate of completion by WI DNR of mining.
  - Unless an alternate use is approved by the county as part of the reclamation plan.

# Financial Responsibility of Owner/Applicant

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Conservation, Planning,  
& Zoning Department

- Application Fee
  - \$50,000 [TO BE DETERMINED BY LAND, CONSERVATION, AND ZONING COMMITTEE]
  - This fee may be used to cover actual costs incurred.
  - The balance shall be retained by Marathon County until the final billing for actual costs has been paid and then any excess shall be refunded to the applicant.

# Financial Responsibility of Owner/Applicant

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Conservation, Planning,  
& Zoning Department

- Actual Costs
  - Applicant is billed quarterly by the County.
  - Includes:
    - costs incurred before or after the application for the Conditional Use Permit is filed
    - for monitoring any such mining project which becomes operational (baseline monitoring)
    - to continue for the life of the operation and during the 40 years following closure (post mining monitoring)

# Financial Responsibility of Owner/Applicant

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Conservation, Planning,  
& Zoning Department

- Actual Costs (continued)
  - Staff time, equipment and material costs, licensed professionals and legal counsel
- Such costs shall not exceed those which are reasonably charged for the same or similar services by licensed professionals of the type retained.

# Financial Responsibility of Owner/Applicant

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Conservation, Planning,  
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- General Liability Insurance
  - Copy of a certificate of insurance, as required by the WI DNR, certifying that the applicant has in force general liability insurance policy issued by an insurance company authorized to do business in Wisconsin or evidence that the operator has satisfied state or federal self-insurance requirements.

# Financial Responsibility of Owner/Applicant

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- WI DNR Financial Assurance
  - A copy of all other proof of financial assurance, as required by the WI DNR, pursuant to WI Stat 293.51

# Financial Responsibility of Owner/Applicant

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Conservation, Planning,  
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- Groundwater Trust Fund:
  - The applicant shall deposit into an interest-bearing trust account \$15,000.00 [TO BE DETERMINED BY LAND CONSERVATION AND ZONING COMMITTEE] for each well potentially impacted, as identified by the hydrologic study.
  - The applicant shall pay the cost for the County to monitor all potentially impacted private or public wells as identified by the hydrologic study.

# Financial Responsibility of Owner/Applicant

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- Groundwater Trust Fund(continued):
  - The fund shall be used to pay for replacing any contaminated, damaged or depleted wells and/or for providing potable water to any well owner/claimant whose well has been contaminated, damaged or depleted in whole or in any part to the mining operation.

# Financial Responsibility of Owner/Applicant

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Conservation, Planning,  
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- Property value compensation fund:
  - Marathon County, at the cost of the applicant, will hire a licensed independent agent to create a distribution plan for a compensation fund.
  - Criteria to be used for the determination of impact shall come from the Environmental Impact Report, Statement, and other criteria as determined by the licensed independent agent.
  - The distribution plan model is followed in landfill siting agreements.

# Financial Responsibility of Owner/Applicant

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Conservation, Planning,  
& Zoning Department

- Road Damage Compensation Fund
  - The cost projection shall be based on a roadway improvement and maintenance engineering study required by the BOA, at the applicant's expense.
  - The applicant shall initially deposit funds in an amount determined by the BOA to be the reasonably anticipated cost to construct, maintain, repair and reconstruct all affected public roadways to meet the traffic demands to be caused by the mining operation.

# Financial Responsibility of Owner/Applicant

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Conservation, Planning,  
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- Compensation of Political Subdivisions
  - At the cost of the applicant, will hire a licensed independent agent to create a distribution plan for compensation to political subdivisions impacted by the mine.
  - Criteria to be used for the determination of impact shall come from the Environmental Impact Report and Statement, and other criteria as determined by the licensed independent agent.

# Local Impact Committee

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- Marathon County Board of Supervisors may create a local impact committee. And may also participate in a joint local impact committee with the Town or any other political subdivision where the mine is located.
- Marathon County Board of Supervisors may enter into a local agreement pursuant to WI Stats 293.41.

# Local Impact Committee

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Conservation, Planning,  
& Zoning Department

- This code is designed to permit, but not require, local agreements with respect to any of the conditions established by the Board of Adjustment.
- This code also contains a mechanism for approval of local agreements .
- This code also allows for amendment of the standards set forth in this ordinance for the conditional use permit by local agreement and approval by a super majority of the County Board.

# Questions

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- Questions from Committee/County Board members
- Requests for additional information



**MARATHON**  
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# Public Hearing Format

March 1, 2018

Marathon County  
Courthouse

Assembly Room

# Outcome of Public Hearing

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& Zoning Department

- All parties feel their comments and concerns are heard
- All parties comments are recorded and documented



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**Honest**

**Kind**

**Respectful**

# Recommended Procedures

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- Individuals will need to fill out a card:
  - Name
  - Address
  - Representing
  - Are you In Favor – Opposed – As interest may appear to the proposed language
  - Do you wish to speak? Yes/no

# Recommended Procedures (continued)

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Conservation, Planning,  
& Zoning Department

- Chairman will call each individual to present their testimony at the podium
  - Each individual will be given the same amount of time to present depending on the number of individuals wishing to testify.
  - The Committee and/or staff are not here to answer questions or engage in dialogue but to record comments for future action.
- Committee has the right to ask questions of anyone testifying, however they must be recognized by the Chair.



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