

## APPENDIX G: NON-METALLIC MINING

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### ***Background***

Non-Metallic Mining Operations are widespread across Wisconsin. An estimated 2,000 mines provide aggregate for construction, sand, gravel and crushed stone (limestone and dolomite) for road building and maintenance, as well as, for agricultural use as lime.

As mentioned in Chapter 5 of the *Town of Little River Smart Growth Comprehensive Plan*, the town has a rich and accessible supply of non-metallic mining resources. As a result, there are presently seven (7) quarry operations in the southwestern portion of the town. In addition, there are several operations located in adjacent towns in the vicinity.

The *Town of Little River Smart Growth Comprehensive Plan* provides no detailed guidance for the town to refer to when considering quarry permit and expansion requests. Therefore, the Town of Little River has developed this Appendix to provide additional information for the town to consider when applications for quarry operations are received.

### ***Regulations***

**Zoning.** The Town of Little River is regulated by the Oconto County Zoning Ordinance. The Oconto County Zoning Ordinance regulates quarries through the Quarrying District (Q). This district permits quarrying by conditional use permit. Applicants under this zoning are required to submit an operation plan and complete a reclamation plan. Moreover, the county ordinance requires a financial guarantee by bonding, conditioned upon faithful performance of the conditional use permit, to sufficiently insure full reclamation of the quarry area. The conditional use permits are to be renewed every three years.

The Town of Little River reviews all rezoning requests, including requests for quarry operations. The town requires Conditional Use and Blasting Permits to be renewed annually. The town will continue to provide recommendations to the County Zoning Board to ensure that local operations do not have a negative impact on neighboring properties or the rural character of the town. As part of this review, the town will consider:

- √ Location and Size of Operation
- √ Hours of Operation
- √ Blasting Periods
- √ Reclamation Plans
- √ Patterns of Land Use on the *Future Land Use Maps*

**Reclamation.** As part of NR 135, Wisconsin Administrative Code, adopted in December 2000, any community in Wisconsin could adopt an ordinance to establish requirements for reclamation of non-metallic mines, such as gravel pits and rock quarries. If a town decided not to develop its own ordinance, a county could develop one that would also

regulate operations in the town. Likewise, regional planning agencies could develop ordinances for counties within their region. The ordinances must establish reclamation requirements to prevent owners and operators of quarries and gravel pits from abandoning their operations without proper reclamation of the mines.

Oconto County has adopted a detailed ordinance that establishes requirements for reclamation. The ordinance requires all new quarries to submit a reclamation plan at the time of application for a quarry permit. All existing quarry operations, including those in the Town of Little River, must complete a reclamation plan.

The Town of Little River would like the opportunity to review all reclamation plans for local quarries to provide feedback for the county to consider, particularly in the context of the *Future Land Use Maps*.

### ***Position***

The Town of Little River supports its local quarry operations and understands their need to expand in the future. Likewise, the town understands that in these tough economic times, local farmers and larger landowners consider quarry operations as a means to improve their economic situation.

However, the town wants to ensure that the community remains attractive for residential development. For this reason, **the town will require agreements with local quarry operators** to limit nuisances for neighboring properties. These agreements will also include **annual town licensing** fees that the town will collect in a fund to be used to maintain roads damaged by quarry traffic. This fee shall be in addition to any financial assurance required through the Oconto County Nonmetallic Mining Reclamation Ordinance.

The *Future Land Use Maps* do not illustrate any quarry expansions or new quarry operations. In the future, local quarry operators will make expansion decisions depending on availability of the resource and local demand. The town will consider all expansion requests, in accordance with all local, county, and state requirements.

Over the 20 year planning period, as quarries are reclaimed, the Town of Little River will support the conversion of these properties into wildlife habitat areas, conservation-based subdivisions and farmland. County, regional and town parklands are also an option for these reclaimed quarries. Quarry operators should not assume that their property will be developed into residential subdivisions.

## *Goal, Objectives & Policies*

### **OVERALL GOAL:**

Ensure that quarry operate in harmony with the rural character of the Town of Little River.

### **OBJECTIVES:**

1. Work with Oconto County and local quarry operators to ensure that the provisions of NR135 are enforced. This process should include a town review of all submitted reclamation plans at the time of application for a new quarry and conditional use permit renewal for existing quarry operations.
2. Coordinate with local quarry operators to ensure that operations do not interfere with public health, safety and welfare. Likewise, local quarry operations should not distract from the rural atmosphere of the town.
  - a. Develop a “Model Operation Agreement” between the Town of Little River and any local quarry operation.
  - b. Seek to approve individual operational agreements, utilizing the “Model Operation Agreement” as a guide, between the Town of Little River and all local quarry operators. As needed, hire a consultant to represent the town in this effort to ensure that the agreements protect public health, safety and welfare. At a minimum, these agreements must:
    - Include provisions for requiring local quarry operators to submit annual written reports discussing the status of their quarry site, significant changes in mineral extraction operations, and activities anticipated during the next year. Said report shall also document blasting activities for the year of the report and log all complaints received, and include the results of annual groundwater monitoring efforts.
    - Require a detailed site plan submittal to the town to define the existing and proposed limits of any quarry operation.
    - Require landscape berms to be installed at mutually agreed upon locations to screen quarry operations for roadways and nearby residential development.
    - Require that quarry access to county and town roads be paved as needed so as to prevent the overflow and tracking of materials on town and county roadways.

- **Define blasting times and restrictions related to ground vibration, air blasting, fly rock.**
- **Stipulate requirements for the safe storage of explosives in accordance with COMM 7 of the Wisconsin Administrator Code and annually submit to the appropriate Fire Department a copy of its explosives storage permit.**
- **Require quarry operators to maintain a call list to notify residents in the vicinity of the quarry of imminent blasting activities. The calls will be on a request basis only and a single telephone call will be satisfactory.**
- **Require quarry operators to comply with all applicable noise regulations.**
- **Require quarry operators to pay an annual licensing fee. The profits from which will be used to offset town road maintenance and safety costs.**
- **Require quarry operators to maintain liability insurance policy that includes provisions for addressing well problems for adjoining property owners.**
- **Require quarry operators to provide a groundwater monitoring program, including the use of monitoring wells at the perimeter of the quarry site to monitor the impact of mining operation on groundwater levels and quality.**
- **The Town of Little River reserves the right to have Town Authorized Personnel or its representative conduct on-site inspections as needed per Conditional Use Agreement.**

**3. In order to adequately consider quarry operation applications for new quarries and conditional use permit renewals, several pieces of information are requested by the Town of Little River Plan Commission, in addition to those materials required by the Oconto County Quarrying Zoning District and the Oconto County NonMetallic Mining Reclamation Ordinance. This information shall include, but not be limited to:**

- **Current zoning (for new quarry applications)**
- **Total number of acres involved**
- **Total number of acres for quarry operation only**
- **Total number of yards to be removed (soil type)**
- **Estimated number of years to be operated**
- **Boring sample results (independent company may be required)**

- **Any blasting required (state licensing supervisor)**
- **Proposed operating hours for crushing, blasting, washing, hauling, etc.**
- **Detailed site plan**
- **DNR delineated wetlands map of area**
- **Dewatering locations**
- **Traffic pattern and road maintenance proposal**
- **Dust control measures**
- **Wellhead protection (insurance)**
- **Listing of types of equipment**
- **Projected work hours and number of days per week**
- **Description of how blasting will be monitored and by whom**
- **Description of contents of blasting records and location of records**
- **Description of how citizen complaints will be handled and by whom**
- **Description for groundwater monitoring provisions**
- **Home and well pre-inspection results (independent company may be required)**

**POLICIES:**

**It is the policy of the Town of Little River to only recommended approval Non-Metallic Mining Operations permits that have developed complete reclamation plans in accordance with NR135 at the time of application.**

**It is the policy of the Town of Little will also require as part of a conditional approval that all new quarry operations enter into an operation agreements with the Town of Little River and Oconto County. Existing quarry operators seeking to expand, modify their operations, or review their conditional use permit shall also be required to enter into an operation agreement with the town.**