

## Non-metallic Mining Goals, Objectives & Policies

Since the adoption of this Comprehensive Plan, there have been significant concerns over the potential impacts of large-scale (greater than 40 acres) non-metallic mining operations within the Town of Otter Creek. Specifically, concerns relating to transportation safety on roads and highways located within the Town, maintenance of high-quality water and air resources, noise, compatibility with agricultural operations, maintenance of property values, protection of environmentally sensitive areas and other natural areas, wildlife, and maintaining rural character are just several examples of the numerous local issues that must be considered and analyzed to ensure that any potential operation can exist in harmony with existing development in the Town of Otter Creek. A full cost-benefits analysis should be considered to weight the potential economic benefits of large-scale non-metallic mining operations against the potential adverse impacts to residents, agriculture, and the environment.

### GOAL 1

### Preserve property values and protect adjacent properties from conflicting land uses.

#### Objectives:

1. Adequate separation and buffering of mining sites to sensitive land uses shall be maintained.
2. Limit impacts of trucking of mineral resources on Town Roads and County Highways.

#### Policies:

1. Minimum buffers of at least 300 feet from the mining site to adjacent property lines shall be provided when adjacent to property developed for rural residential, commercial, industrial, agriculture, or forestry, unless adjacent property owners agree, in writing, to a reduced buffer.
2. All mining operations shall conform with all Town, County, State and Federal regulations, policies, and conditions and shall utilize Best Management Practices (BMPs) to minimize erosion, sedimentation or other adverse impacts to adjacent properties.
3. All mining operations shall be located and designed to minimize the conversion, disruption or limitation of agricultural operations or other permitted and legal land uses within proximity (at least one (1) mile) of a proposed mining site.
4. The rezoning, conditional use permit and Town of Otter Creek Licensing Agreement processes shall ensure that no mining operation may locate in close proximity (closer than one (1) mile) to an area identified as Rural Residential or Commercial/Industrial on the Town of Otter Creek's Future Land Use Map (Map 9), or from any incorporated village or city. The boundary shall be measured from the property line, lease line or operational boundary of the mining operation to the property line, zoning boundary, or future land use boundary of a rural residential area, or corporate boundary of a village or city.
5. Transportation of mineral resources shall be accomplished by either conveyor or similar mechanism from the mining site through the processing facility. The total length of the conveyor system, measured in linear feet, shall not exceed three (3) miles (15,840 feet). Trucking of mineral resources over Town Roads shall be restricted to temporary periods when other methods of conveyance are not available due to maintenance or operational issues, and shall be limited to the operational parameters defined by the Town of Otter Creek Licensing Agreement. If roadway crossings are required, all conveyance systems must be closed over the roadway portion to prevent leakage.
6. The Town shall encourage Eau Claire County to prohibit or strictly limit transport of materials via County Highways in the Town of Otter Creek.
7. The conditional use permit process shall evaluate and address impacts of blasting operations, including locations, impacts to adjacent properties, and hours of operation.

8. Blasting operations shall be evaluated for impacts to land uses within one (1) mile from the blasting site(s). Operational plans, including types of explosives to be used and schedule of blasting operations, shall be provided by the applicant and reviewed by the Town. The applicant shall maintain a data log of all blasting operations, including time, date, location, and explosives

**GOAL 2 Preserve and protect the Town's high quality air and water resources.**

used, which shall be submitted to the Town.

Objective:

1. Mining operations shall be located and designed to avoid and/or fully mitigate adverse air quality impacts (i.e. emissions of dust, smoke or other airborne pollutants); reduce drawdown and prevent pollution of groundwater aquifers; and protect surface waters from pollution, runoff, and sedimentation.

Policies:

1. Mining operations shall conform with all Town, County, State and Federal regulations, policies, and conditions to ensure protection of surface and groundwater resources. Use of grassed waterways, stormwater diversions, sediment detention facilities and other Best Management Practices (BMPs) shall be required, where appropriate, to maintain pre-mining surface and groundwater quality.
2. Ambient air monitoring stations shall be required at all mining sites (both upwind and downwind) to monitor levels of air pollutants, including PM10 and PM2.5 particulates. The location of monitoring stations, frequency of monitoring, and air quality standards shall be specified as part of the conditional use permit process.
3. A minimum of a 10 foot buffer from the mining floor elevation to groundwater shall be maintained.
4. Wet-processing of mineral resources in conjunction with a mining operation shall be minimized to the greatest extent feasible. When required, wet-processing of mineral resources shall utilize a closed-loop system to maximize reuse of production water in order to minimize drawdown impacts to groundwater aquifers, wetlands and surface waters.
5. Surface and groundwater monitoring stations shall be required at all mining sites in locations adjacent to and downstream from the mining operation to monitor water quality and groundwater aquifer drawdown. Specific standards and parameters shall be determined with

**GOAL 3 Protect and conserve Environmentally Sensitive Areas of the Town.**

the conditional use permit.

Objective:

1. Mining operations shall be located and designed to conserve and protect Environmentally Sensitive Areas of the Town, including wetlands, floodplains, and slopes of 20% or greater, in addition to any surface waters.

Policy:

1. Adequate buffers (300 foot minimum) shall be provided to preserve, protect, and minimize impacts to Environmentally Sensitive Areas and navigable streams or creeks, including Class 1 or 2 trout streams, as defined by the Wisconsin Department of Natural Resources. The buffers are further intended to provide screening and mitigate impacts of non-metallic mining operations on adjacent land uses.

**GOAL 4**

**Closely coordinate approvals and permitting of any large-scale non-metallic mining operation with Eau Claire County to ensure the goals, objectives, and policies of this plan are fully considered and adhered to.**

Objective:

1. Large-scale non-metallic mining operations shall follow the Eau Claire County approval process which requires an overlay rezoning approval of the Non-metallic Mining Overlay District, approval of a Conditional Use Permit, and approval of a reclamation plan before a non-metallic mining operation in excess of ten (10) acres may proceed.

Policies:

1. The Town supports Eau Claire County's non-metallic mining permitting process and will require all resource extraction activities to have a reclamation plan that emphasizes protection of environmentally sensitive areas, ground and surface water resources, and agriculturally productive soils with the expectation that lands will be reclaimed to a productive agricultural end use consistent with the purposes and requirements of the Farmland Preservation Program.
2. Non-agricultural land uses shall avoid lands that contain a majority (meaning 51% or more) of Agriculturally Productive Soils as well as lands actively engaged in forest management practices.

## Definitions

The following definitions guide the interpretation of key terms within the future land use policies. Refer to the *Eau Claire County Zoning Code* for additional rules and definitions not specifically addressed herein.

**Agriculturally Productive Soils:** “Agriculturally Productive Soils” means all soils within the Class I, II and III Land Capability Classifications as defined by the Natural Resources Conservation Service (NRCS).

**Buffer:** “Buffer” means a natural, undisturbed area intended to protect sensitive natural resources and provide separation and screening between incompatible uses (i.e. non-metallic mining and residential or agricultural uses). No development or land disturbance is to take place, except as required for utility or vehicular access, landscaping, or fencing.

**Environmentally Sensitive Areas:** “Environmentally sensitive areas” are defined as being of the following areas:

- a. Wetlands, as defined and designated as wetlands on the Wetlands Inventory Maps, and regulated by Chapter 18.19 of this code.
- b. Floodplains, as identified on the official maps and revisions and regulated by Chapter 18.20 of this code.
- c. Slopes of 20 % or greater. For the purposes of application of these regulations, slope shall be measured over a horizontal distance of 50 feet. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent.

**Large-Scale Mining Operation:** “Large-Scale Mining Operation” means any mining operation larger than 40 acres.

**Mining Operation:** “Mining Operation” means all activities conducted on or beneath the surface of land for the purpose of, or in connection with, the extraction of any mineral resource. The area of a mining operation shall include all property leased, purchased, or utilized in connection with the extraction, processing, storage or transportation of mineral resources.

**Mining Site:** “Mining Site” means an area where extraction of mined mineral resources is permitted. The mining site shall not include areas utilized for the storage, transportation or processing of mined mineral resources.