



St Croix County

Planning & Zoning

DATE: June 8, 2012

St. Croix County Planning & Zoning: 715-386-4680

All commercial nonmetallic mining, including Frac sand mining, requires a County special exception permit for mining within all unincorporated areas of the County. The application submittal deadline is the first Monday of the month. Complete applications are then processed by Planning and Zoning staff and are ultimately brought to the St. Croix County Board of Adjustment (BOA) at its regularly scheduled meeting the following month, typically the fourth Thursday of the month, for a decision on the request. For example, applications that are received on or before the Monday June 4th deadline would be scheduled for the July 26th BOA meeting.

This process involves a public hearing at the BOA's meeting. A Class 2 public notice is required and the notice is published in the official County newspaper for the current time period. The Planning and Zoning Department has also chosen to print these notices in the newspaper that is published closest to the property of the application request as a service and convenience to those who live in that area.

An important part of the county process is to include input from the Town Board in which the request is located. Once an application is received and is determined to meet submittal requirements, a copy is sent to the Town within the first week of its submittal to the County. Most Towns require that applicants appear before the Town's Plan Commission and Town Board in order for the Town to forward its recommendation on the request to the BOA. The recommendation from the Town is included in the staff report for the BOA's review and consideration, and also becomes an exhibit to the County's file. The County's application process timeframe is specifically set up to allow for one complete cycle of the Town's process.

Staff then processes the application to determine compliance with the County's ordinances and prepares a staff report. This staff report, along with all other relevant information, is sent to the BOA members one week prior to the hearing for their review.

At the BOA meeting staff presents and summarizes the staff report. The hearing is then opened and the BOA takes testimony from all parties; those that want to speak in favor of the request, those who want to speak in opposition of the request, and for those who may be neutral but want to ask questions or just make comments. After all have spoken, the hearing is closed or may be adjourned until a later time. If someone would like to provide testimony but is not able attend the meeting they may submit written comments to the Planning and Zoning Department prior to the hearing.

The BOA then visits the site in order to view the site itself and the surrounding area.

After the BOA completes the site visit the meeting is reconvened to deliberate and render a decision. The BOA may approve, deny or table its decision on a request. The BOA will place conditions on an approval that will include such items as, hours of operation, days of operation, dust control measures, screening, obtaining all permits required by other agencies, etc.

This is the basic process.

The following link is to the nonmetallic mining ordinance, Chapter 14 *Nonmetallic Mining*, and outlines the requirements for conducting a nonmetallic mining operation in St. Croix County:

<http://www.co.saint-croix.wi.us/vertical/sites/%7BBC2127FC-9D61-44F6-A557-17F280990A45%7D/uploads/%7BEBA5F15F-4D0B-4D0D-A052-B17E2EC10A70%7D.PDF>

All County ordinances can be found on the County's website, or are available at the Planning and Zoning Department.

Section 14.2 A. 1 through 11, of Chapter 14, lists the general standards that pertain to: public health, restoring habitat, protecting surface waters, and wetlands, maintaining a buffer zone, groundwater protection, managing topsoil and on-site fuel storage. There is also an entire section of additional requirements for a request to mine into groundwater.

Section 14.2 B. 1 through 4 and Section 14.6 contain the standards for reclamation of the site after mining is complete. These standards include final grading of the site, re-distributing topsoil and re-vegetation of the site. The reclamation plan must meet both County and State requirements.

Section 14.7 lists the standards for the required financial assurance. All operators are required to submit a financial assurance with the County, such as a bond, cash, or irrevocable letter of credit. If for some reason the operator and/or property owner fails to reclaim the site, the County can cash in the financial assurance and hire a contractor to complete reclamation of the site.

We currently do not have any mines that have been allowed to operate all hours of the day and night (or 24/7). Most mines have been allowed to operate from approximately 7:00 or 8:00 am to around 6:00 or 7:00 pm.

The County's ordinance also stipulates that in no case shall an area greater than 20 acres be open for mining at one time.

All plans regarding the operations, reclamation, storm water runoff and control, erosion control, mining into groundwater and long range comprehensive plan must be approved prior to commencing any nonmetallic mining activity.

St. Croix County has one of the most restrictive nonmetallic mining ordinances in the State of Wisconsin. As such, the County can be more restrictive regarding the operational activities, hours of operation, size and area of open mining and mining into groundwater as compared to most other counties.

If you have any questions or comments please contact either:

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or

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