

For Consideration at the June 5, 2018 Public Hearing

Following are the proposed additions to the Town of Lincoln Zoning Ordinance:

Section 15.35.2 - Add a second paragraph, as follows:

The applicant shall be required to monitor lake and stream levels and potential lake and stream drawdown as directed by the Town Board, to gather base line data concerning water levels and quality, and to assess and monitor the impact of permitted operations on the lake and stream levels/drawdown. A program to mitigate any detriment to the lake and stream levels shall be established at the time of the permit and shall be a condition thereof.

Sections 15.05 - Add new section 15.05.4, as follows:

15.05.4 Local Agreements - All applications for a metallic mining permit in the town of Lincoln will require an approved Local Agreement pursuant to Stats. 293.41 before issuance.

1. Negotiating Process

a. All conditions established pursuant to this ordinance will be subject to local agreement pursuant to Stats. 293.41.

b. The Town of Lincoln Town Board shall abide by the requirements of the Wisconsin Open Meetings Law, Stats. 19.81 et seq.

2. Approval Process

a. Governing Body. The governing body for the purposes of approving a local agreement under Stats. 293.41 is the Town of Lincoln Town Board.

3. Timing.

a. No local agreement shall be approved for public hearing under Stats. 293.41 until the applicant has filed all applications for all necessary approvals, Conditional Use Permits and permits from the WI DNR and any other state or federal agency with jurisdiction over the prospecting or mining site or operation, and those permit applications have been deemed complete by the agency to whom they have been submitted, and the applicant has filed the Environmental Impact report under Stats. 23.11 relating to any state permit applications.

Note (1): There is no triggering event or decision rendered by the WI DNR which certifies that an application for a mining permit is "deemed complete". The application is deemed complete at the time that the comment period has expired and further information has not been requested by the WI DNR.

Note (2): It is the intent of the Town of Lincoln to commence communication and negotiation of local agreements with the applicant any time after the filing of the Notice of Intent to Apply for a permit with the WI DNR. It is the intent of the Town of Lincoln to approve said agreements after the applicant has submitted all information required by the WI DNR, Forest County and the Town of Lincoln.

b. A local agreement, pursuant to Stats. 293.41 between Town of Lincoln and the applicant shall be in place prior to the issuance of a permit.

4. Non-Applicability Provisions.

a. The local agreements may not declare any portions of this ordinance non-applicable to a metallic mining operation or include variances from this ordinance except upon an affirmative vote of a majority of the Forest County Land and Water Conservation Committee, an

affirmative vote of the Forest County Zoning Committee, an affirmative vote of the majority of the members of the Forest County Board, and upon the affirmative vote of the Town Board of each Town in which the proposed mining site is located. Any exceptions, variances or rezoning must comply with federal and state law.

b. A local agreement may include the right to reopen and modify the local agreement after it has been approved under conditions specified in the local agreement. In such a case, the agreement shall be modified in accordance with the approval process set forth above except that any vote to reopen and modify must be made by a majority vote of the Town of Lincoln Town Board.