

8.0 CROSSROADS COMMERCIAL DISTRICT

8.01 Purpose

Most commercial uses should be located in or near the incorporated area where a full range of needed services can be afforded to such uses, and where conflicts with agricultural, recreational residential uses are less likely. The Crossroads Commercial District is created to provide locations for establishments principally engaged in indoor retail sales of merchandise and/or services, as well as establishments and areas to serve the recreational needs of the community.

8.02 Approval

Commercial development proposed to be located in this district must be approved by the Planning and Zoning Commission using the Planned Area Development (PAD) process.

9.0 RECREATIONAL/COMMERCIAL

9.01 Recreational Commercial District Purpose

It is the intent of the Town of Merrimac that some recreational commercial development be allowed provided that:

- 1) It is not inconsistent with the preservation of the character of the community
- 2) It does not have a detrimental effect on the environmental features and surrounding land uses.

9.02 Recreational Commercial Development

Recreational commercial development will be required to receive approval through the Planned Area Development Process.

10.0 MINERAL EXTRACTION

10.01 Purpose

Mineral extraction and mining is recognized as an important industry which contributes to the county's economic and social well being. However, the long term damage to the physical environment that can be caused by mineral extraction must be taken into consideration and evaluated. The purpose of this chapter is to direct extraction activities to areas of minimal local contact; restrict activities where environmental, historical, archaeological, geological or hydrological resources could

be adversely impacted and establish regulations for mineral extraction activities that will reclaim the site to a safe, purposeful and acceptable landscape.

10.02 Uses

The following uses may be allowed only after the issuance of a conditional use permit by the Board of Appeals.

- 1) Type 1 Mineral Extraction - The extraction of, but not limited to sand, gravel, or other aggregate that does not require any form of blasting for removal. Processing of such material incidental to such extraction including the erection of buildings and installation of necessary machinery and equipment, including mixing plants within the confines of the mines, would be considered as part of the mineral extraction permit.
- 2) Type 2 Mineral Extraction - The extraction of, but not limited to limestone, quartzite, and other rock or aggregate that requires blasting before removal. Processing of such material incidental to such extraction including the erection of buildings and installation of necessary machinery and equipment, including mixing plants within the confines of the mine, would be considered as part of the mineral extraction permit.
- 3) Metallic Mining

10.03 The application for a conditional use permit shall be accompanied by the following information:

- 1) Ownership and Management Data - Information on location of the proposed site of the operations, ownership of the land, leasehold, license and other property interests and accurate information on the identity of all individuals, partnerships, associations or corporations which are involved in control of the proposed operation. The purpose of this requirement is to allow the Board to determine accountability for all conditions that it decides to impose upon the activity and the information shall be sufficiently detailed and complete to accomplish this purpose.
- 2) Operation Plan Data - Full and complete information on the precise nature of mineral extraction or processing activity that is proposed to be undertaken. Such data shall specifically respond to the factors and standards for decisions by the Board of Appeals on conditional use applications for mineral extraction activities. The operations plan shall address the following factors:
 - a) A timetable for the commencement and cessation of mining operations and if seasonal operations are intended, the months of operation shall be identified.

- b) Quality in tons per year to be extracted shall be identified.
 - c) The anticipated number of years of operation.
 - d) Proposed location, aerial extent, and depth of intended operation.
 - e) Proposed location of mineral extraction site, waste dumps, trailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities, or other permanent or temporary facilities used in the mining process.
 - f) A description of the extraction and processing equipment to be used.
 - g) A description of operating hours, days of operation, blasting and crushing hours as well as hauling hours.
 - h) Observed or estimated depth to groundwater.
 - i) Surface drainage of the property.
 - j) Location and names of all streams, roads, railroads, utility lines, and pipelines on or immediately adjacent to the proposed site.
 - k) A description of the surface land use and vegetation, including all pertinent physical characteristics, of the extraction site and adjacent properties.
 - l) A description of the measures to be taken to control dust, noise and vibration.
 - m) A description of the plans for topsoil storage.
 - n) The mode and primary travel routes to be used to transport the extracted material for processing or markets away from the property.
 - o) Any and all mining permits held by the applicant in the state
 - p) A description of safety measures to be utilized onsite relative to fencing and signing.
- 3) Reclamation Plan Data - Full and complete information on the nature of reclamation which the applicant proposes to undertake to satisfy the factors and standards in the permitting process. It shall address the following factors:
- a) A map or plan and description of the proposed reclamation including grading, final slope angles, highwall reduction, benching and

terracing of slopes, slope stabilization and re-vegetation where applicable, and erosion control, and alternative future land uses.

- b) Description of topsoil stripping, stabilization and conservation methods that will be used during replacement.
- c) A plan and description of anticipated final topography, water impoundments, and artificial lakes on the property.
- d) Description of plans for disposition of surface structure, roads, and related facilities after cessation of mining.
- e) The estimated cost of reclamation for each stage of the project or the entire site if staging is not planned.
- f) A seeding plan, which shall include methods of seed bed preparation, seeding rates, mulching, netting and/or other techniques needed to accomplish soil and slope stabilization.
- g) A timetable of the commencement, duration, and cessation of reclamation activities.
- h) Description of the quantity and quality of the natural resources as they were before compared to final reclamation plans.
- i) Other information. The Board of Appeals may require the submittal of such other information as may be necessary to determine the nature of the mining operation and proposed reclamation.

10.04 General Standards for the Issuance of a Conditional Use Permit for Mineral Extraction.

The Board of Appeals may approve petitions for mineral extraction upon finding that such activity is in the public interest after consideration of the following factors:

- 1) The development will not have adverse effects on rare or irreplaceable natural areas including but not limited to significant environmental, historical, archaeological, geological or hydrological areas.
- 2.) Transportation facilities and services will not be an unreasonable burden to the local government.
- 3) The development will not have an adverse impact on surface or groundwater quality or quantity.
- 4) Land is suitable for development and will not create unsafe site conditions or stability.

- 5) Potential conflict with agricultural lands and adjacent land uses in the area.
- 6) Need for the proposed development in the location specified.
- 7) Availability of alternative locations.
- 8) Productivity of the agricultural lands that are involved or affected.
- 9) The impacts on cropland/prime soils shall be minimized.
- 10) Evidence shall be provided that mineral deposits do exist and that the application shall not be of a speculative nature.
- 11) Consideration to be given relative to the county development plan and/or individual Town land use plans.
- 12) Existence of farmland preservation agreements.

10.05 Specific Requirements for Uses in the Issuance of a Conditional Use Permit For Mineral Extraction.

The Board of Appeals may approve petitions for conditional use for uses for mineral extraction upon finding that such a conditional use is in the public interest after consideration of the following factors:

- 1) Mineral extraction is not permitted in the Agricultural/Conservation District.
- 2) That the establishment, maintenance, or operation of the special conditional use shall not endanger the public health, safety, or general welfare.
- 3) That the establishment, maintenance or operation of the conditional use will not substantially effect the existing use of adjacent properties, and will not have a substantial adverse effect on the long term future use of the adjacent properties.
- 4) That adequate utilities, access roads, drainage, traffic plans, and other site improvements have been, are, or will be provided.
- 5) That the mineral extraction activity shall conform to all applicable state air and water quality standards.
- 6) That the noise, vibration, and dust levels be within the standards as established by the state.

- 7) That an undeveloped buffer zone, commencing not less than 50 feet from a property line and/or 500 feet from an established residential structure of the mining site or such other greater distance as the Board of Appeals finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle repose being provided along property lines.
- 8) Where deemed practicable and necessary by the Board, an earth bank/berm or vegetative screen shall be erected and/or maintained to screen the operation from view.
- 9) Where deemed necessary by the Board of Appeals, each operation shall be enclosed by at least a three strand barbed wire fence, maintained at all times, with warning signs posted no more than 200 feet apart to indicate the presence of a mineral extraction operation.
- 10) That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in a condition which is reasonable safe, attractive and, if possible, conducive to productive new uses for the site.
- 11) The Board of Appeals shall require reasonable assurance that the conditions it may impose will be satisfied. Such assurance shall be achieved through some combination of the following prior to commencement of operation activities.
 - a) Performance bonds or substitute guarantees in the form of pledged collateral.
 - b) Establishment of escrow accounts into which deposits shall be made to assure financial resources for investments in reclamation work.
 - c) Clear identification of the relationships between landowners, lessees, licensees and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.
- 12) The conditional use permit shall be in effect for a period specified by the Board of Appeals not to exceed five years and may be renewed upon application for periods of up to five years. Permits may be amended upon application to allow extensions or alterations in operations under new ownerships or managements.
- 13) All permitted operations shall be inspected at least once every year by the Board of Appeals or its agents and shall be inspected at the time a request for renewal is before the Board to determine if all conditions of the

operation are being complied with. If such inspections yield information showing that all such conditions have been met, the applicant shall be entitled to renewal of the permit unless such renewal would be contrary to state law.

- 14) A termination of mineral extraction activities on a site which is the subject of an approved conditional use permit for a period of one year or more shall disentitle the permit holder to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:
 - a) Such a discontinuance was specified as part of the original operations plan; or
 - b) The operator has submitted and had Board of Appeals approval of an amendment to the original permit placing the operation of inactive status with accompanying conditions as to interim or partial reclamation.
- 15) Such other standards that will permit the Board of Appeals to evaluate and make a determination of conditional uses for this purpose.

DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. the word "shall" is mandatory, the word "should" is advisory and the word "may" is permissive. Any words not defined in this section shall be presumed to have the customary dictionary definitions.

- 1) ACCESSORY STRUCTURE OR USE - a use or detached structure subordinate and incidental to the principal structure or use of the premises.
- 2) BED AND BREAKFAST ESTABLISHMENT - any place of lodging that provides six (6) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
- 3) BOATHOUSE - an accessory building, on the same lot as a principal building, designed for the protection and storage of boats, which shall not be used for either temporary or permanent dwelling purposes.