

**2013 DRAFTING REQUEST**

**Bill**

Received: **1/18/2013** Received By: **mshovers**  
 Wanted: **As time permits** Same as LRB:  
 For: **Kathleen Vinehout (608) 266-8546** By/Representing: **Joel**  
 May Contact: Drafter: **mshovers**  
 Subject: **Local Gov't - zoning** Addl. Drafters:  
 Extra Copies: **EVM**

Submit via email: **YES**  
 Requester's email: **Sen.Vinehout@legis.wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Establish minimum setback distance between a residence and a frac sand mine and facilities

**Instructions:**

See attached. Use definition of frac sand from 2011 SB 405 (LRB-3824/1).

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 3/20/2013			_____			
/1		kfollett 3/21/2013	phenry 3/21/2013	_____	lparisi 3/21/2013	sbasford 4/8/2013	State S&L

FE Sent For:

*at  
intro*

<END>

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1/2	mshovers	11 KJF	3/24	ph			
11	MES	3/19/13	3/20	Jm			

FE Sent For:

<END>

MES

# Bill Request Form

Legislative Reference Bureau  
One East Main Street, Suite 200  
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 1/18/13

Legislator, agency, or other person requesting this draft Sen. Vinehout

Person submitting request (name and phone number) Joel Nilsestuen

Persons to contact for questions about this draft (names and phone numbers) Same, 6-8546

Describe the problem, including any helpful examples. How do you want to solve the problem?

Establish a 2,500' minimum setback distance from adjacent residences for frac sand mines, ~~and~~ frac sand processing, and/or loading facilities.

Plz see 2011 SB 405, ~~pg 2, line 5~~ pg 1, ln 2 for frac sand definition.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2005 LRB-2345/1 or 2003 AB-67).

2011 SB 405

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES  NO

If yes:                      Anyone who asks?    YES    NO  
   Any legislator?        YES    NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent?    YES  NO                      If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?  
YES  NO



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3824/1

MES:jld:jm

2011 BILL

SB 405

1 AN ACT *to create* 59.69 (4i), 60.61 (3e) and 62.23 (7) (hj) of the statutes; **relating**  
2 **to:** listing frac sand mining as a conditional or prohibited use in certain types  
3 of zoning ordinances.

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*Analysis by the Legislative Reference Bureau*

Under current law, a political subdivision (a city, village, town that is authorized to exercise village powers, or county) is authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density of population; the location and use of buildings, structures, and land for various purposes; and the areas in which agriculture, industry, mining, and other activities may be conducted.

Under this bill, with regard to a zoning ordinance that is enacted and relates to agricultural use, frac sand mining must be listed as a conditional use. Also under this bill, with regard to a zoning ordinance that is enacted and relates to residential use, frac sand mining must be listed as a prohibited use.

The bill defines frac sand as a type of industrial sand that could be used in deep well applications to prop open rock fissures and increase the flow rate of natural gas or oil.

**BILL**

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 59.69 (4i) of the statutes is created to read:

2           59.69 **(4i)** FRAC SAND MINING, ZONING ORDINANCES. (a) *Definition.* In this  
3 subsection, “frac sand” means a type of industrial sand that could be used in deep  
4 well applications to prop open rock fissures and increase the flow rate of natural gas  
5 or oil.

6           (b) *Agricultural use ordinances.* With regard to any zoning ordinance enacted  
7 under this section that relates to agricultural use, frac sand mining shall be listed  
8 as a conditional use.

9           (c) *Residential use ordinances.* With regard to any zoning ordinance enacted  
10 under this section that relates to residential use, frac sand mining shall be listed as  
11 a prohibited use.

12           **SECTION 2.** 60.61 (3e) of the statutes is created to read:

13           60.61 **(3e)** FRAC SAND MINING, ZONING ORDINANCES. (a) *Definition.* In this  
14 subsection, “frac sand” means a type of industrial sand that could be used in deep  
15 well applications to prop open rock fissures and increase the flow rate of natural gas  
16 or oil.

17           (b) *Agricultural use ordinances.* With regard to any zoning ordinance enacted  
18 under this section that relates to agricultural use, frac sand mining shall be listed  
19 as a conditional use.





*RMR*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*gen*

WANTED  
Fri. a.m.

*pwfu*

1 AN ACT ...; relating to: regulating the location of frac sand mines and facilities.

***Analysis by the Legislative Reference Bureau***

X  
X

This bill prohibits a frac sand mine, a frac sand processing facility, or a frac sand loading facility from being located within 2,500 feet of a single-family or 2-family residence or within 2,500 feet of a single-family or 2-family residential zoning district.

*two*

The bill defines frac sand as a type of industrial sand that could be used in deep well applications to prop open rock fissures and increase the flow rate of natural gas or oil.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 SECTION 1. 66.0428 of the statutes is created to read:

3 66.0428 Frac sand mines, facilities. (1) DEFINITION. In this section, "frac  
4 sand" means a type of industrial sand that could be used in deep well applications  
5 to prop open rock fissures and increase the flow rate of natural gas or oil.

NO ← fix NO CS

9

1

(2) SETBACK DISTANCES. NO frac sand mine, frac sand processing facility, or frac

2

sand loading facility may be located within 2,500 feet of single-family or 2-family

3

residence or within 2,500 feet of a single-family or 2-family residential zoning

4

district.

5

**SECTION 2. Initial applicability.**

6

(1) This act first applies to a frac sand mine, frac sand processing facility, or frac

7

sand loading facility, for which an operating permit or building permit is applied for

8

on the effective date of this subsection.

9

(END)

**Basford, Sarah**

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**From:** Nilsestuen, Joel  
**Sent:** Monday, April 08, 2013 11:02 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1344/1 Topic: Establish minimum setback distance between a residence and a frac sand mine and facilities

Please Jacket LRB -1344/1 for the SENATE.