

2011 DRAFTING REQUEST

Bill

Received: **01/05/2012**

Received By: **mshovers**

Wanted: **As time permits**

Companion to LRB:

For: **Kathleen Vinehout (608) 266-8546**

By/Representing: **David Lovell; 6-1537**

May Contact:

Drafter: **mshovers**

Subject: **Local Gov't - zoning**

Addl. Drafters:

Extra Copies: **EVM, RCT**

Submit via email: **YES**

Requester's email: **Sen.Vinehout@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Agricultural and residential use zoning ordinances related to frac sand mining

Instructions:

See attached

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>
/?				_____			Local
/1	mshovers 01/13/2012	jdyer 01/16/2012	jmurphy 01/16/2012	_____	mbarman 01/16/2012	ggodwin 01/25/2012	

FE Sent For:

*at intro
1-27-12*

<END>

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1/1 MES	mshovers 1/13/12	1/16/12 jd	jd 1/16/12	jd 1/16/12			

FE Sent For:

<END>

Sen. Vincent
Joel Nikestuen

661402

David Lovell
61537

#1

Before a LCU may take ~~an~~ ^{action} on an application for a ~~fracture~~ ^{a class one} sand mining they must give 30 ~~days~~ notice in 30 days before the meeting at which the LCU schedules any action on the application

LCU must also ~~be~~ ^{by 1st class mail} sent notice to owner or occupant of any land/parcel located w/in 1 mile of where the activity is proposed

#2

In zoning ord, related to agricultural use Fracture sand mining must be ~~related~~ ^{prohibited} (cons. use; In any zoning ord. related to residential use, Fracture sand mining must be listed as a prohibited use

have
low mine
pro. use
except
res.
gather
perm. it
less



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3824

MES:.....

2011 BILL

jl
fmr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WANTED:
Tues.

gen

X

1

AN ACT ...; relating to: listing frac sand mining as a conditional or prohibited use

2

in certain types of zoning ordinances

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.

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.

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

23 **SECTION 3.** 62.23 (7) (hj) of the statutes is created to read:

1 62.23 (7) (hj) *Frac sand mining, zoning ordinances.* 1. In this paragraph, “frac
2 sand” means a type of industrial sand that could be used in deep well applications
3 to prop open rock fissures and increase the flow rate of natural gas or oil.

4 2. With regard to any zoning ordinance enacted under this paragraph that
5 relates to agricultural use, frac sand mining shall be listed as a conditional use.

6 3. With regard to any zoning ordinance enacted under this paragraph that
7 relates to residential use, frac sand mining shall be listed as a prohibited use.

8 **SECTION 4. Initial applicability.**

9 (1) This act first applies to to a zoning ordinance that takes effect on the
10 effective date of this subsection.

11 (END)

Godwin, Gigi

From: Nilsestuen, Joel
Sent: Wednesday, January 25, 2012 4:59 PM
To: LRB.Legal
Subject: jacket request LRB 3824

Please jacket LRB 3824 for the Senate. Please rush if possible.

Joel Nilsestuen
Office of Sen. Kathleen Vinehout

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Madison, WI 53707-7882

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