

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/17/2013 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, 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. Redraft 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 1/25/2013	jdye 2/2/2013	phenry 2/3/2013	_____			
/1				_____	sbasford 2/3/2013	sbasford 4/8/2013	Local

FE Sent For:

at  
intro

<END>

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1/2	mshovers	1 2/2 jld	2/3 ph				
1/1	ME S	1/25/13					
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 1/17/13

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

Person submitting request (name and phone number) Joel Nilsestuen, 6-8546

Persons to contact for questions about this draft (names and phone numbers) Same

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

Plz re-draft 2011 SB 405 listing frac sand mining as a conditional or prohibited use in certain types of zoning.

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 attached

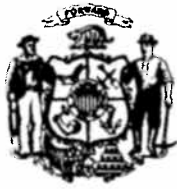
Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES  NO

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



134  
*[Handwritten signature]*

## 2011 BILL

SB 405

*INSTRUCTIONS*

- 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.

---

### *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.

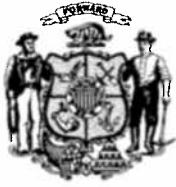
9           (c) *Residential use ordinances.* With regard to any zoning ordinance enacted  
10 under this section that relates to residential use, frac sand mining shall be listed as  
11 a prohibited use.

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.





State of Wisconsin  
2011 - 2012 LEGISLATURE

-1341/1  
LRB-3924/1  
MES:jld:jm  
↑  
keep  
PMNR

2013 2011 SENATE BILL (405)

January 27, 2012 - Introduced by Senators VINEHOUT and SHILLING, cosponsored by Representatives DANOU, BERNARD SCHABER, ROYS, C. TAYLOR, BERCEAU and POCAN. Referred to Committee on Natural Resources and Environment.

LX

gem

pwf ✓

- 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. ✓

***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.

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**SENATE BILL 405**

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

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**SENATE BILL 405**

1 (c) *Residential use ordinances*. With regard to any zoning ordinance enacted  
2 under this section<sup>✓</sup> that relates to residential use, frac sand mining<sup>✓</sup> shall be listed as  
3 a prohibited use.<sup>✓</sup>

4 **SECTION 3.** 62.23 (7) (hj)<sup>✓</sup> of the statutes is created to read:

5 62.23 (7) (hj) *Frac sand mining, zoning ordinances*.<sup>✓</sup> 1. In this paragraph,<sup>✓</sup> “frac  
6 sand” means a type of industrial sand that could be used in deep well applications  
7 to prop open rock fissures and increase the flow rate of natural gas or oil.<sup>✓</sup>

8 2. With regard to any zoning ordinance enacted under this paragraph<sup>✓</sup> that  
9 relates to agricultural use, frac sand mining<sup>✓</sup> shall be listed as a conditional use.

10 3. With regard to any zoning ordinance enacted under this paragraph<sup>✓</sup> that  
11 relates to residential use, frac sand mining shall be listed as a prohibited use.<sup>✓</sup>

12 **SECTION 4. Initial applicability.**

13 (1) This act first applies to<sup>✓</sup> (to)<sup>✓</sup> a zoning ordinance that takes effect on the  
14 effective date of this subsection.<sup>✓</sup>

15 (END)

**Basford, Sarah**

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**From:** Nilsestuen, Joel  
**Sent:** Monday, April 08, 2013 11:03 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1341/1 Topic: Agricultural and residential use zoning ordinances related to frac sand mining

Please Jacket LRB -1341/1 for the SENATE.