

Fiscal Estimate Narratives

DATCP 7/17/2017

LRB Number	17-2076/1	Introduction Number	SB-332	Estimate Type	Original
Description listing frac sand mining as a conditional or prohibited use in certain types of zoning ordinances					

Assumptions Used in Arriving at Fiscal Estimate

The proposed bill requires frac sand mining to be listed as a conditional use in a zoning ordinance that relates to an agricultural use. Chapter 91 provides that local zoning authorities may include, but are not required to include, non-metallic mineral extraction in the farmland preservation zoning district. Frac sand mining operations have been considered a non-metallic mining use under the farmland preservation law.

Currently, should a zoning authority choose to allow a frac sand mining operation in a farmland preservation zoning district, the authority must issue a conditional use permit. Before issuing the permit, the zoning authority must determine that all of the following apply: (1) the operation complies with subch. I of ch. 295, Wis Stats., applicable provisions of the local ordinance under s. 295.13 or 295.14, and any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites; (2) the operation and its location in the district are consistent with the purposes of the district; (3) the operation and its location in the district are reasonable and appropriate, considering alternative locations outside the district, or are specifically approved under state or federal law; (4) the operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use; (5) the operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use; and (6) the zoning ordinance requires the owner to restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is complete.

Long-Range Fiscal Implications