

-AN ORDINANCE TO IMPOSE A MORATORIUM ON THE EXPANSION AND CREATION OF NEW NONMETALLIC MINING OPERATIONS WITHIN THE UNINCORPORATED AREAS OF EAU CLAIRE COUNTY PENDING STUDY OF POSSIBLE LEGISLATIVE ACTION-

The County Board of Supervisors of the County of Eau Claire does ordain as follows:

SECTION 1. Purpose. The purpose of this moratorium is to allow the county adequate time to study the possible impacts that silica sand mining operations may have on the health, safety and welfare of the residents of Eau Claire County including air quality and water quality concerns and potential impact to the infrastructure of the county, to allow unzoned townships within the county the opportunity to consider enacting zoning or other regulatory ordinances, to determine the advisability of amending its Comprehensive Plan and to review and consider amending or adopting other police power or zoning ordinances so as to effectively regulate silica sand mining operations.

SECTION 2. Moratorium Imposed. That pursuant to Wis. Stats. §§59.03, 59.69, 59.70 and 92.11, the county board of supervisors hereby prohibits the expansion of any nonmetallic mining operation beyond its physical dimensions as identified in the reclamation plan on file as of the date of adoption of the ordinance and further prohibits the processing of applications for new nonmetallic mine reclamation permits or new conditional use permits for nonmetallic mines, the issuance of new nonmetallic mine reclamation permits or new conditional use permits for nonmetallic mines and creation of any new nonmetallic mining operation during the pendency of the moratorium within unincorporated areas of the county.

SECTION 3. Duration of Moratorium. The moratorium imposed by this ordinance shall be in effect until May 31, 2012. During this period, the department of planning and development, the highway department, the groundwater advisory committee and the Eau Claire City-County Health Department shall study and analyze the impact of silica sand mining and shall make final recommendations to their respective governing committees, the land conservation commission and the county board of supervisors within 120 days of the effective date of this ordinance.

SECTION 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 5. Effective Date. This ordinance shall take effect upon its adoption and publication.

SECTION 6. Legislative Findings. The county board of supervisors hereby makes the following findings: 1. The board recognizes that there is an increased interest locally that may lead to requests to mine, process and transport silica sand (aka frac sand) in Eau Claire County.

2. The board recognizes that there is an increased demand nationally for silica sand that is used in the hydraulic fracturing process as a means to extract natural gas and oil and that there may be abundant silica sand in Eau Claire County. 3. The board recognizes that the mining, processing and transporting of silica sand may have an impact on air and water quality which may affect the health and safety of county residents and could impact roads and infrastructure within the county. 4. The board recognizes that, due to the increased demand for silica sand and the potential for large scale mining operations, it is critical that all necessary regulations and safeguards be in place before such mining operations expand or commence.

SECTION 7. This ordinance shall not be codified.

ENACTED: November 16, 2011

Janet K. Loomis
County Clerk