

RESOLUTION NUMBER _____

RESOLUTION OF WINNESHIEK BOARD OF SUPERVISORS REQUESTING THE PLANNING AND ZONING COMMISSION PROVIDE INPUT ON THE ADOPTION OF A MORATORIUM ON THE CONSIDERATION AND/OR APPROVAL OF CONDITIONAL USE PERMITS FOR INDUSTRIAL FRAC SAND MINING.

WHEREAS:

The Winneshick County Board of Supervisors finds that there has been a rapid international expansion in the use of hydraulic fracturing in gas and oil exploration, which in turn has resulted in a rapid growth in demand for the type of sand used in these processes, referred to herein as "industrial sand" or "frac sand."

The Board notes that industrial (frac) sand can be found in the St. Peter sandstone and Jordan sandstone formations, and that such sandstone can be found at or near the surface of the land in portions of Winneshick County.

The Board notes that the rapid expansion of sandstone mining in nearby counties in Minnesota and Wisconsin has been attended by issues and concerns regarding the public health, safety and welfare.

The Board further finds that Winneshick County will likely be subjected to similar pressure to open such frac sand mining, but that the Winneshick County Comprehensive Plan and Zoning Ordinance may not adequately address concerns that accompany frac sand mining; concerns that may include but are not limited to such issues as:

- a. The heavy truck traffic generated by frac sand mining, which may cause rapid deterioration of roads and bridges, and nuisances such as dust and noise. Truck traffic from such mining operations may expose neighboring landowners and the traveling public to increased risk of accident where the roads are not designed for heavy truck traffic, where roads lack needed turn lanes, and where dust will be generated by trucks on gravel roads; and,
- b. St. Peter sandstone is an important aquifer providing drinking water to residents of Winneshick County, and protection of the quality of that aquifer is of crucial importance to the County. The potential impact of frac sand mining on the integrity of that aquifer requires additional study.

The Board finds that the Winneshick County Comprehensive Plan may need to be updated to address industrial sandstone mining, and that once studies and appropriate updates have been completed, the Winneshick Zoning Ordinance may need to be amended so that the Winneshick County Board of Adjustment, when considering conditional use permits for frac sand extraction pits and site plan approvals for frac sand extraction pits, can apply appropriate guidelines which may better protect the health, safety, and welfare of the residents of Winneshick County.

The Winneshiek Board of Supervisors further finds that the issue of the imposition of a moratorium regarding frac sand mining should be referred to the Winneshiek County Planning and Zoning Commission for study, hearing and recommendation.

THEREFORE, BE IT RESOLVED that the Winneshiek County Board of Supervisors requests the Winneshiek County Planning and Zoning Commission review the issues outlined above and then issue a recommendation to the Board of Supervisors concerning the adoption of a moratorium prohibiting the issuance of any conditional use permits for frac sand extraction pits and site plan approvals for frac sand extraction pits.

BE IT FURTHER RESOLVED, that if the Planning and Zoning Commission issues a recommendation to the Board of Supervisors in favor of the adoption of a moratorium, that they also provide the Board of Supervisors with a recommendation as to the length of the proposed moratorium.

PASSED BY THE Winneshiek County Board of Supervisors on the ___ day of March, 2013.

John Logsdon, Chairman

ATTEST:

Ben Steines, Winneshiek County Auditor