

PLANNING COMMISSION MEMO

To: Osage County Planning Commission

From: Russ Ewy, AICP, Planning Consultant

Date: January 30, 2024

Re: Proposed amendments regarding the regulation of electric transmission lines.

The purpose of this memo is to address how the County regulates high-voltage electric transmission lines under the Osage County Zoning Regulations.

In the fall of 2022, the county approved amendments to the comprehensive plan and zoning regulations to prohibit the development of large-scale alternative energy systems. Those amendments addressed large-scale renewable projects that generate energy, but did not specifically consider the regulation of generation interconnection lines that move power from these facilities to the grid. This process intends to open a discussion on high-voltage electric transmission lines to determine if this use should be regulated, or prohibited, within Osage County.

CURRENT COMPREHENSIVE PLAN GUIDANCE

The amendments to the 2002 Osage County Comprehensive Plan added the following objectives within its Land Use section:

LUO-K OBJECTIVE: Maintain the rural character of the county with respect to its landscape, open spaces, scenic character, peace, tranquility, and solitude.

LUO-L OBJECTIVE: Prohibit land uses which could have a detrimental effect on the ecology of the area, especially wildlife habitat, breeding grounds, nesting areas, feeding areas and flight patterns.

LUO-M OBJECTIVE: Prohibit large-scale land uses which could have a detrimental effect on the ability of the county to attract new residential development.

In my opinion, the 2022 amendments established a rationale for the prohibition of alternative energy systems which can also apply to transmission lines. The county is beginning the process to prepare a new comprehensive plan, and it will continue to address large-scale utility development within the county.

CURRENT ZONING REGULATIONS AND RESTRICTIONS

Article 1-104 – Definitions

None regarding electric transmission lines.

Article 17-103 - Conditional Uses Enumerated

5. Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, **electric transmission lines**, reservoirs, and utility maintenance shops and yards.

SUGGESTED ZONING REGULATION AMENDMENTS

Since Osage County currently requires approval of a Conditional Use Permit for the development of electric transmission lines, the county may amend its zoning regulations to provide specific development requirements for them. Alternatively, the Planning Commission may recommend prohibiting high-voltage electric transmission lines altogether.

In the event the Planning Commission wishes to recommend the exclusion of high-voltage electric transmission lines, it becomes important to differentiate between *transmission lines*, which would not be permitted, and *distribution lines* that directly serve local customers. Distribution lines are not intended to fall under the authority of the zoning regulations. The amendments to the zoning regulations would be the following:

Suggested additions to Article 1-104 –Definitions:

Proposed new language:

Electric Transmission Line: means any high-voltage electric transmission line that is used for the bulk transfer of 69 kV or more of electricity, and is not defined as a “public utility” by state law. Included in this definition are any associated facilities such as, but not limited to, all poles, wires, cables, anchors, cross-arms, and foundations. This definition includes generation interconnect lines (“gen-tie lines”), which transfers electricity from the point of generation to a substation for distribution to consumers.

Electric Distribution Line: means any electric transmission line that is used for the bulk transfer of less than 69 kV of electricity and is used to distribute electricity to consumers.

Article 17-103 - Conditional Uses Enumerated

Revise Section 17-103(5) as follows:

5. Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, **electric transmission lines**, reservoirs, and utility maintenance shops and yards.

Article 17-110 - Prohibited Uses

Revise Section 17-103(5) as follows:

5. No property shall be used for the establishment of Alternative Energy Systems **or** Electric Transmission Lines, as defined herein.

SUGGESTED MOTIONS

1. Recommend APPROVAL of proposed amendments to the zoning regulations to prohibit electric transmission lines within the county, as outlined in the memo from the county's planning consultant dated January 30, 2024. This recommendation is based on our determination that electric transmission lines would not be in the best interest to the general welfare of the county as a whole. The aesthetics, size and scope of these facilities make them objectionable and unsightly to area property owners as determined through the public input process, and would have a negative impact on the county's rural residential development potential, local heritage (e.g., the Santa Fe National Historic Trail), wildlife, and natural features within the county.
2. Recommend DENIAL of proposed amendments to the zoning regulations to prohibit electric transmission lines, as outlined in the memo from the county's planning consultant dated January 30, 2024, and direct staff to develop additional regulations to better address electric transmission lines.
3. Defer action on these proposed amendments to gain additional information.