

RESOLUTION 23-1009

A RESOLUTION CLARIFYING A MORATORIUM ON COMMERCIAL WIND AND SOLAR ENERGY PROJECTS AND COMMERCIAL ENERGY TRANSMISSION LINES AND OTHER COMMERCIAL ENERGY FACILITIES AND INFRASTRUCTURE

WHEREAS on January 31, 2022, the Board of County Commissioners of Osage County, Kansas, enacted Resolution 22-05, establishing a Moratorium on Commercial Wind and Solar Energy Projects;

WHEREAS in December 2022, the Board of County Commissioners subsequently adopted changes to its comprehensive plan and planning and zoning regulations and restrictions regarding certain commercial wind and solar projects in Osage County, including related infrastructure;

WHEREAS property within Osage County has been leased for the purposes of development with commercial wind energy projects, such projects being electricity generation and transmission facilities comprised of multiple wind turbines and solar energy systems generating electrical power for sale and off-site use.

WHEREAS commercial wind and solar energy projects have the potential to negatively impact the health, safety and/or welfare of citizens in Osage County, particularly those with land or residences in the vicinity of such projects. In addition, commercial wind and solar energy projects may not be compatible with Osage County economic development goals of increased housing and recreational opportunities within the county. They also have the potential to impose upon the county certain burdens with respect to roads, bridges and other infrastructure.

WHEREAS the Board of County Commissioners of Osage County, the governing body for Osage County, has adopted county-wide zoning regulations but is concerned that such regulations are inadequate to protect and preserve the interests of Osage County and its citizens and to protect and promote their health, safety and welfare and also to provide clear guidance to potential developers of wind or solar energy projects concerning the conditions under which such projects might be determined to be appropriate in Osage County and the obligations and limitations that may be imposed.

WHEREAS the Board of County Commissioners of Osage County deems it be appropriate to review its zoning regulations and to determine whether to establish different conditions to the construction and/or operation of commercial wind or solar energy projects in Osage County for the protection of the health, safety, and/or welfare of those in Osage County who may otherwise be adversely be affected by such projects and to assess whether there are conditions under which further commercial wind or solar energy projects would be deemed appropriate or whether, regardless of the proposed locations within the county, such projects, by their nature and the-nature of Osage County, should not be permitted.

WHEREAS the Board of County Commissioners of Osage County deems it to be appropriate for the regulation of any commercial Wind or Solar Energy Conversion System, or any component thereof, as well as all gen-tie lines, commercial energy transmission lines, or other commercial energy generation facilities and infrastructure not under the direct regulation of the Kansas Corporation Commission, in Osage County to be more uniform, or imposed through a more uniform process, as to all potential commercial wind and solar energy projects and energy transmission going forward so that (a) potential developers of commercial wind and solar energy projects have better guidance concerning viability of their projects and (b) citizens, the planning and zoning department, and the planning commission are not burdened by review-of proposed projects that will not fit within parameters acceptable to the Board of County Commissioners of Osage County.

WHEREAS the Board of County Commissioners of Osage County expects that review and revision of its zoning regulations of commercial wind and solar energy projects requires at least 12 months.

WHEREAS the Board of County Commissioners of Osage County has decided to direct the planning commission to undertake the review and revision of regulations with respect to commercial wind and solar energy projects in accordance with directions to be developed and provided by the Board of County Commissioners.

WHEREAS the Board of County Commissioners' powers under K.S.A. 19-101a et seq. include the power to impose temporary moratoria on activity within the county while the Board of County Commissioners investigates and develops regulations with respect to that activity.

NOW THEREFORE BE IT RESOLVED: by the Board of County Commissioners of Osage County, Kansas:

1. The Osage County Planning and Zoning Department/Land Development and the Osage County Planning Commission are hereby directed to suspend acting upon any application received for the issuance of a conditional use permit or for permits for the erection and construction of any commercial Wind or Solar Energy Conversion System or any component thereof, as well as all gen-tie lines, commercial energy transmission lines, or other commercial energy generation facilities and infrastructure not under the direct regulation of the Kansas Corporation Commission.
2. No application for a Conditional Use Permit for a commercial Wind or Solar Energy Conversion System or any component thereof, as well as all gen-tie lines, commercial energy transmission lines, or other commercial energy generation facilities and infrastructure not under the direct regulation of the Kansas Corporation Commission, or for the amendment of such a Conditional Use Permit, shall be set for public hearing by the Osage County Planning Commission until further action of the commission or December 31, 2024, whichever date is earlier in time.
3. No application for a commercial Wind or Solar Energy Conversion System or any component thereof, as well as all gen-tie lines, commercial energy transmission lines, or other

commercial energy generation facilities and infrastructure not under the direct regulation of the Kansas Corporation Commission, or for the amendment of such a Conditional Use Permit, shall be accepted by the Zoning Administrator until further action of the commission or prior to December 31, 2024, whichever date is earlier in time.

4. Nothing in this Resolution shall apply to the construction of the Reading Wind Energy System previously approved.

5. This moratorium may be extended for additional periods provided that the Osage County Board of County Commissioners has determined (a) that the process of reviewing zoning regulations with respect to a commercial Wind or Solar Energy Conversion System or any component thereof, as well as all gen-tie lines, commercial energy transmission lines, or other commercial energy generation facilities and infrastructure not under the direct regulation of the Kansas Corporation Commission, is proceeding and (b) that additional time is reasonably necessary in order to complete the process prior to holding a public hearing on further CUPs applications for Wind or Solar Energy Conversion Systems or amendments to existing CUPs for Wind or Solar Energy Conversion Systems.

This moratorium is effective immediately and shall be published in the newspaper of record for Osage County, Kansas.

RESOLVED this 18th day of December, 2023.



ATTEST:

Michelle Morris
Michelle Morris, Osage County Clerk

BOARD OF COUNTY COMMISSIONERS
OSAGE COUNTY, KANSAS

Les Holman
Les Holman, 1st District

Heather Kuder
Heather Kuder, 2nd District

Vernon "Jay" Bailey
Vernon "Jay" Bailey, 3rd District