

ATTACHMENT 7
Local Planning and Zoning Compliance Statement
Special Waste Landfill Permit
Big Sandy Plant – Ash Pond Closure
Lawrence County, Kentucky

Kentucky Revised Statutes (KRS) 100.324(1) states that public utilities operating under the jurisdiction of the Kentucky Public Services Commission (PSC) "...shall not be required to receive the approval of the planning unit for the location or relocation of any of their service facilities. Service facilities include all facilities of such utilities...incidental to a service facility."

Kentucky Power Company (KPCo) is a public utility regulated by the PSC and is therefore exempt from providing a local planning and zoning compliance statement. In addition, neither the city of Louisa nor Lawrence County have established planning and zoning authorities.

A copy of KRS 100.324 is included with this attachment.

100.324 Public utility facilities excepted -- Review of proposed acquisition, disposition, or change by commission.

- (1) All other provisions of this chapter to the contrary notwithstanding, public utilities operating under the jurisdiction of the Public Service Commission, except as specified in KRS 100.987, or the Department of Vehicle Regulation or Federal Energy Regulatory Commission, any municipally owned electric system, and common carriers by rail shall not be required to receive the approval of the planning unit for the location or relocation of any of their service facilities. Service facilities include all facilities of such utilities and common carriers by rail other than office space, garage space, and warehouse space and include office space, garage space, and warehouse space when such space is incidental to a service facility. The Public Service Commission and the Department of Vehicle Regulation shall give notice to the planning commission of any planning unit of any hearing which affects locations or relocations of service facilities within that planning unit's jurisdiction.
- (2) The nonservice facilities excluded in subsection (1) of this section must be in accordance with the zoning regulations.
- (3) Upon the request of the planning commission, the public utilities referred to in this section shall provide the planning commission of the planning unit affected with information concerning service facilities which have been located on and relocated on private property.
- (4) Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan. If it disapproves of the project, it shall state the reasons for disapproval in writing and make suggestions for changes which will, in its opinion, better accomplish the objectives of the comprehensive plan. No permit required for construction or occupancy of such public facilities shall be issued until the expiration of the sixty (60) day period or until the planning commission issues its report, whichever occurs first.

Effective: April 23, 2002

History: Amended 2002 Ky. Acts ch. 89, sec. 3, effective July 15, 2002; ch. 343, sec. 1, effective April 23, 2002; and ch 346, sec. 151, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 231, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 383, sec. 1, effective July 15, 1996. -- Amended 1988 Ky. Acts ch. 144, sec. 7, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 304, sec. 1, effective July 13, 1984. -- Created 1966 Ky. Acts ch. 172, sec. 80.

Legislative Research Commission Note (4/23/2002). This section was amended by 2002 Ky. Acts ch. 89, sec. 3, ch. 343, sec. 1, and ch. 346, sec. 151. Chs. 89 and 343 are not in conflict and have been codified together. Chs. 343 and 346 appear to be in conflict, and where a conflict exists, the substantive changes in ch. 343 have been allowed to prevail over the revisory changes in ch. 346. Cf. KRS 7.123.