

1 S.191

2 Introduced by Senator Kitchel

3 Referred to Committee on

4 Date:

5 Subject: Energy; natural resources; public service; land use; siting; municipal  
6 and regional planning; renewable energy; wind

7 Statement of purpose of bill as introduced: This bill proposes to require the  
8 Public Service Board, when making a siting determination for wind generation,  
9 to defer to municipal and regional recommendations unless there is a clear and  
10 convincing demonstration to the contrary.

11 An act relating to siting of wind generation facilities

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 30 V.S.A. § 248 is amended to read:

14 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND  
15 FACILITIES; CERTIFICATE OF PUBLIC GOOD

16 \* \* \*

17 (b) Before the Public Service Board issues a certificate of public good as  
18 required under subsection (a) of this section, it shall find that the purchase,  
19 investment or construction:

1           (1) With respect to an in-state facility, will not unduly interfere with the  
2 orderly development of the region with due consideration having been given to  
3 the recommendations of the municipal and regional planning commissions, the  
4 recommendations of the municipal legislative bodies, and the land  
5 conservation measures contained in the plan of any affected municipality.

6           However:

7                   (A) ~~with~~ With respect to a natural gas transmission line subject to  
8 Board review, the line shall be in conformance with any applicable provisions  
9 concerning such lines contained in the duly adopted regional plan; and, in  
10 addition, upon application of any party, the Board shall condition any  
11 certificate of public good for a natural gas transmission line issued under this  
12 section so as to prohibit service connections that would not be in conformance  
13 with the adopted municipal plan in any municipality in which the line is  
14 located; ~~and~~.

15                   (B) ~~with~~ With respect to a ground-mounted solar electric generation  
16 facility, the facility shall comply with the screening requirements of a  
17 municipal bylaw adopted under 24 V.S.A. § 4414(15) or a municipal ordinance  
18 adopted under 24 V.S.A. § 2291(28), and the recommendation of a  
19 municipality applying such a bylaw or ordinance, unless the Board finds that  
20 requiring such compliance would prohibit or have the effect of prohibiting the

1 installation of such a facility or have the effect of interfering with the facility's  
2 intended functional use.

3 (C) With respect to a wind electric generation facility, substantial  
4 deference shall be given to the recommendations of the municipal and regional  
5 planning commissions, the recommendations of the municipal legislative  
6 bodies, and the land conservation measures contained in the plan of any  
7 affected municipality. In this subdivision (C), "substantial deference" means  
8 that a recommendation or land conservation measure shall be applied in  
9 accordance with its terms unless there is a clear and convincing demonstration  
10 that it lacks a rational basis or that other factors affecting the general good of  
11 the State outweigh application of the recommendation or measure.

12 \* \* \*

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on July 1, 2016.