

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17
18
19
20

H.360

Introduced by Representatives Gamache of Swanton, Van Wyck of
Ferrisburgh, Parent of St. Albans Town, Hebert of Vernon, and
Savage of Swanton

Referred to Committee on

Date:

Subject: Municipal and county government; municipal bylaws; electric
generation

Statement of purpose of bill as introduced: This bill proposes to permit a
municipality to adopt a bylaw regulating electric generation facilities.

An act relating to municipal regulation of electric generation facilities

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

Sec. 1. 24 V.S.A. § 4413 is amended to read:

§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS

* * *

(b) A bylaw under this chapter shall not regulate public utility power
~~generating plants and~~ transmission facilities regulated under 30 V.S.A. § 248.

* * *

(g) Notwithstanding any provision of law to the contrary, a bylaw adopted
under this chapter shall not:

1 (1) Regulate the installation, operation, and maintenance, on a flat roof
2 of an otherwise complying structure, of a solar energy device that heats water
3 or space or generates electricity. ~~For the purpose of~~ As used in this
4 subdivision, “flat roof” means a roof having a slope less than or equal to five
5 degrees.

6 (2) Prohibit or have the effect of prohibiting the installation of rooftop
7 solar collectors not exempted from regulation under subdivision (1) of this
8 subsection; or the installation of clotheslines, or other energy devices based on
9 ~~renewable resources.~~

10 * * *

11 Sec. 2. 24 V.S.A. § 4414 is amended to read:

12 § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

13 Any of the following types of regulations may be adopted by a municipality
14 in its bylaws in conformance with the plan and for the purposes established in
15 section 4302 of this title.

16 * * *

17 (15) Solar plants; screening. ~~Notwithstanding any contrary provision of~~
18 ~~sections 2291a and 4413 of this title or 30 V.S.A. chapter 5 or 89, a~~ A
19 municipality may adopt a freestanding bylaw to establish screening
20 requirements that shall apply to a ground-mounted plant that generates
21 electricity from solar energy. ~~In a proceeding under 30 V.S.A. § 248, the~~

1 ~~municipality may make recommendations to the Public Service Board applying~~
2 ~~the bylaw to such a plant. The bylaw may designate the municipal body to~~
3 ~~make this recommendation. Screening requirements and recommendations~~
4 ~~adopted under this subdivision shall be a condition of a certificate of public~~
5 ~~good issued for the plant under 30 V.S.A. § 248, provided that they do not~~
6 ~~prohibit or have the effect of prohibiting the installation of such a plant and do~~
7 ~~not have the effect of interfering with its intended functional use.~~

8 ~~(A) Screening requirements under this subdivision shall not be more~~
9 ~~restrictive than screening requirements applied to commercial development in~~
10 ~~the municipality under this chapter or, if the municipality does not have other~~
11 ~~bylaws except flood hazard, 10 V.S.A. chapter 151.~~

12 ~~(B) In this section subdivision, “plant” shall have the same meaning~~
13 ~~as in 30 V.S.A. § 8002 and “screening” means reasonable aesthetic mitigation~~
14 ~~measures to harmonize a facility with its surroundings and includes~~
15 ~~landscaping, vegetation, fencing, and topographic features.~~

16 ~~(C) This subdivision (15) shall not authorize requiring a municipal~~
17 ~~land use permit for a solar electric generation plant, and a municipal action~~
18 ~~under this subdivision shall not be subject to the provisions of subchapter 11~~
19 ~~(appeals) of this chapter. Notwithstanding any contrary provision of this title,~~
20 ~~enforcement of a bylaw adopted under this subdivision shall be pursuant to the~~
21 ~~provisions of 30 V.S.A. § 30 applicable to violations of 30 V.S.A. § 248.~~

1 (16) Electric generation. A bylaw may regulate an electric generation
2 facility.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on July 1, 2017.