

1 H.313

2 Introduced by Representative Browning of Arlington

3 Referred to Committee on

4 Date:

5 Subject: Electric generation facilities; public service; district environmental
6 commissions; state land use and development; municipal planning
7 and development; zoning bylaws

8 Statement of purpose of bill as introduced: This bill proposes to move
9 jurisdiction over the siting of in-state electric generation facilities, except for
10 net metering systems, from the Public Service Board to the District
11 Environmental Commissions. This bill also gives municipalities the authority
12 to adopt land use bylaws to regulate siting of electric generation facilities,
13 except for net metering systems.

14 An act relating to siting of electric generation facilities

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

16 Sec. 1. REPEAL

17 30 V.S.A. § 246 (temporary siting of meteorological stations) is repealed.

1 Sec. 2. 30 V.S.A. § 248 is amended to read:

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

4 (a)(1) No company, as defined in section 201 of this title, may:

5 (A) in any way purchase electric capacity or energy from outside the
6 ~~state~~ State:

7 (i) for a period exceeding five years, that represents more than
8 three percent of its historic peak demand, unless the purchase is from a plant as
9 defined in subdivision 8002(14) of this title that produces electricity from
10 renewable energy as defined under subdivision 8002(17); or

11 (ii) for a period exceeding ten years, that represents more than ten
12 percent of its historic peak demand, if the purchase is from a plant as defined
13 in subdivision 8002(14) of this title that produces electricity from renewable
14 energy as defined under subdivision 8002(17); or

15 (B) invest in an electric generation or transmission facility located
16 outside this ~~state~~ State unless the ~~public service board~~ Public Service Board
17 first finds that the same will promote the general good of the ~~state~~ State and
18 issues a certificate to that effect.

19 (2) Except for the replacement of existing facilities with equivalent
20 facilities in the usual course of business, and except for electric generation

1 facilities that are operated solely for on-site electricity consumption by the
2 owner of those facilities:

3 (A) no company, as defined in section 201 of this title, and no person,
4 as defined in 10 V.S.A. § 6001(14), may begin site preparation for or
5 construction of an electric generation facility that is a net metering system
6 under section 219a (self-generation and net metering) of this title or an electric
7 transmission facility within the ~~state~~ State which is designed for immediate or
8 eventual operation at any voltage; and

9 (B) no such company may exercise the right of eminent domain in
10 connection with site preparation for or construction of any such transmission or
11 generation facility, unless the ~~public service board~~ Public Service Board first
12 finds that the same will promote the general good of the ~~state~~ State and issues a
13 certificate to that effect.

14 * * *

15 Sec. 3. 10 V.S.A. § 6001 is amended to read:

16 ~~When used in~~ In this chapter:

17 (1) “Board” means the ~~natural resources board~~ Natural Resources
18 Board.

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20 (3)(A) “Development” means each of the following:

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Sec. 4. 24 V.S.A. § 4411 is amended to read:

§ 4411. ZONING BYLAWS

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(b) All zoning bylaws shall apply to all lands within the municipality other than as specifically limited or exempted in accordance with specific standards included within those bylaws and in accordance with the provisions of this chapter. The provisions of those bylaws may be classified so that different provisions may be applied to different classes of situations, uses, and structures and to different and separate districts of the municipality as may be described by a zoning map made part of the bylaws. The land use map required pursuant to subdivision 4382(a)(2) of this title of any municipality may be designated as the zoning map except in cases in which districts are not deemed by the planning commission to be described in sufficient accuracy or detail by the municipal plan land use map. All provisions shall be uniform for each class of use or structure within each district, except that additional classifications may be made within any district for any or all of the following:

* * *

(5) to regulate, restrict, or prohibit uses or structures associated with the generation of electricity from all fuels or particular fuels, except as provided in sections 4412 and 4413 of this title.

1 Sec. 5. 24 V.S.A. § 4413 is amended to read:

2 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

3 * * *

4 (b) A bylaw under this chapter shall not regulate:

5 (1) net metering systems as defined under 30 V.S.A. § 219a; and

6 (2) public utility power generating plants and transmission facilities

7 regulated under 30 V.S.A. § 248.

8 * * *

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

11 (1) ~~Regulate~~ regulate the installation, operation, and maintenance, on a
12 flat roof of an otherwise complying structure, of a solar energy device that
13 heats water or space or generates electricity. For the purpose of this
14 subdivision, “flat roof” means a roof having a slope less than or equal to five
15 degrees; or

16 (2) ~~Prohibit~~ prohibit or have the effect of prohibiting the installation of
17 solar collectors not exempted from regulation under subdivision (1) of this
18 subsection, clotheslines, or other energy devices that are based on renewable
19 resources and do not generate electricity from wind.

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1 Sec. 6. EFFECTIVE DATE

2 This act shall take effect on July 1, 2013.