

1 H.648

2 Introduced by Representatives Terenzini of Rutland Town, Batchelor of  
3 Derby, Beyor of Highgate, Brennan of Colchester, Cupoli of  
4 Rutland City, Deen of Westminster, Fagan of Rutland City,  
5 Higley of Lowell, Juskiewicz of Cambridge, Mitchell of  
6 Fairfax, Quimby of Concord, Savage of Swanton, Scheuermann  
7 of Stowe, Van Wyck of Ferrisburgh, and Winters of  
8 Williamstown

9 Referred to Committee on

10 Date:

11 Subject: Energy; public service; renewable energy; net metering; solar  
12 generation; setbacks; screening and site-specific requirements

13 Statement of purpose of bill as introduced: This bill proposes to require that  
14 solar generation plants comply with setback, screening, and other siting  
15 requirements adopted by the municipality.

16 An act relating to setbacks, screening, and siting of solar generation plants

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

1 Sec. 1. 30 V.S.A. § 248(b) is amended to read:

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

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

10 However,:

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

19 (B) in addition to the other applicable provisions of this subdivision  
20 (1), a solar electric generation facility shall comply with the setback  
21 requirements, if any, that apply to other development in the area of the facility

1 under the land use bylaws of the municipality in which the facility is located  
2 and shall comply with the screening and other siting requirements, if any,  
3 contained in the plan of that municipality that are specific to solar electric  
4 generation facilities. In this subdivision (B), “screening” includes landscaping,  
5 vegetation, fencing, and topographic features;

6 \* \* \*

7 Sec. 2. 30 V.S.A. § 219a is amended to read:

8 § 219a. SELF-GENERATION AND NET METERING

9 \* \* \*

10 (c) The Board shall establish by rule or order standards and procedures  
11 governing application for, and issuance or revocation of a certificate of public  
12 good for net metering systems under the provisions of section 248 of this title.  
13 A net metering system shall be deemed to promote the public good of the State  
14 if it is in compliance with the criteria of this section, and Board rules or orders.  
15 In developing such rules or orders, the Board:

16 (1) With respect to a solar net metering system of 10 kW or less, shall  
17 provide that the system may be installed ten days after the customer’s  
18 submission to the Board ~~and~~, the interconnecting electric company, and the  
19 municipality of a completed registration form and certification of compliance  
20 with the applicable interconnection requirements and the setback, screening,  
21 and siting requirements described in subdivision 248(b)(1) of this title. Within

1 that ten-day period, the interconnecting electric company and the municipality  
2 each may deliver to the customer and the Board a letter ~~detailing that, in the~~  
3 case of the interconnecting utility, details any issues concerning the  
4 interconnection of the system or, in the case of the municipality, addresses the  
5 facility's compliance with the setback, screening, and siting requirements. The  
6 customer shall not commence construction of the system prior to the passage  
7 of this ten-day period and, if applicable, resolution by the Board of any  
8 interconnection issues raised by the electric company in accordance with this  
9 subsection. If the ten-day period passes without delivery by the electric  
10 company or the municipality of a letter that raises ~~interconnection~~ issues in  
11 accordance with this subsection, a certificate of public good shall be deemed  
12 issued on the 11th day without further proceedings, findings of fact, or  
13 conclusions of law, and the customer may commence construction of the  
14 system. On request, the ~~clerk~~ Clerk of the Board promptly shall provide the  
15 customer with written evidence of the system's approval. ~~For the purpose of~~  
16 In this subdivision, the following shall not be included in the computation of  
17 time: Saturdays, Sundays, State legal holidays under 1 V.S.A. § 371(a), and  
18 federal legal holidays under 5 U.S.C. § 6103(a).

19 (2) With respect to a net metering system for which a certificate of  
20 public good is not deemed issued under subdivision (1) of this subsection:

1 (A) may waive the requirements of section 248 of this title that are  
2 not applicable to net metering systems, including, ~~but not limited to,~~ criteria  
3 that are generally applicable to public service companies as defined in this title,  
4 but shall not waive the setback, screening, and siting requirements described in  
5 subdivision 248(b)(1)(B) of this title;

6 (B) may modify notice and hearing requirements of this title as it  
7 deems appropriate;

8 (C) shall seek to simplify the application and review process as  
9 appropriate; and

10 (D) shall find that such rules are consistent with ~~state~~ State power  
11 plans.

12 \* \* \*

13 Sec. 3. 30 V.S.A. § 8007 is amended to read:

14 § 8007. SMALL RENEWABLE ENERGY PLANTS; SIMPLIFIED  
15 PROCEDURES

16 (a) The same application form, rules, and procedures that the Board applies  
17 to net metering systems of 150 kilowatts (kW) or less under sections 219a and  
18 248 of this title shall apply to the review under section 248 of this title of any  
19 renewable energy plant with a plant capacity of 150 kW or less and to the  
20 interconnection of such a plant with the system of a Vermont retail electricity

1 provider. This requirement includes any waivers of criteria under section 248  
2 of this title made pursuant to section 219a of this title.

3 (b) With respect to renewable energy plants that have a plant capacity that  
4 is greater than 150 kW and is 2.2 MW or less, the Board shall establish by rule  
5 or order standards and procedures governing application for, and issuance or  
6 revocation of, a certificate of public good for such a plant under the provisions  
7 of section 248 of this title, and the interconnection of such a plant with the  
8 system of a Vermont retail electricity provider.

9 (1) In developing such rules or orders, the Board:

10 (A) ~~Shall~~ shall waive the requirements of section 248 of this title that  
11 are not applicable to such a plant, including, for a plant that is not owned by a  
12 Vermont retail electricity provider, criteria that are generally applicable to such  
13 a provider, but shall not waive the setback, screening, and siting requirements  
14 described in subdivision 248(b)(1)(B) of this title;

15 (B) ~~May~~ may modify notice and hearing requirements of this title as  
16 it deems appropriate; and

17 (C) ~~Shall~~ shall simplify the petition and review process as  
18 appropriate.

19 \* \* \*

1       Sec. 4. 24 V.S.A. § 4413(b) is amended to read:

2           (b) A bylaw under this chapter shall not regulate public utility power  
3       generating plants and transmission facilities regulated under 30 V.S.A. § 248,  
4       except that setback requirements contained in a bylaw under this chapter shall  
5       apply to solar electric generating plants in accordance with 30 V.S.A.  
6       § 248(b)(1)(B).

7       Sec. 5. EFFECTIVE DATE

8       This act shall take effect on passage.