

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 Senate Bill No. 191 entitled “An act relating to setbacks and screening for  
4 solar generation plants” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

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

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

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

16 However,;

17 (A) with respect to a natural gas transmission line subject to Board  
18 review, the line shall be in conformance with any applicable provisions  
19 concerning such lines contained in the duly adopted regional plan; and, in  
20 addition, upon application of any party, the Board shall condition any  
21 certificate of public good for a natural gas transmission line issued under this

1 section so as to prohibit service connections that would not be in conformance  
2 with the adopted municipal plan in any municipality in which the line is  
3 located; and

4 (B) in addition to the other applicable provisions of this subdivision  
5 (1), a solar electric generation facility shall comply with the applicable siting  
6 requirements, if any, contained in the land use bylaws of the municipality in  
7 which the facility is located and shall comply with the screening requirements,  
8 if any, contained in the plan of that municipality that are specific to solar  
9 electric generation facilities. The application of municipal bylaw provisions to  
10 solar electric generation facilities shall be subject to the limitations of 24  
11 V.S.A. § 4413(a). In this subdivision (B), “screening” includes landscaping,  
12 vegetation, fencing, and topographic features;

13 \* \* \*

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

15 § 219a. SELF-GENERATION AND NET METERING

16 \* \* \*

17 (c) The Board shall establish by rule or order standards and procedures  
18 governing application for, and issuance or revocation of a certificate of public  
19 good for net metering systems under the provisions of section 248 of this title.  
20 A net metering system shall be deemed to promote the public good of the State

1 if it is in compliance with the criteria of this section, and Board rules or orders.

2 In developing such rules or orders, ~~the Board~~:

3 (1) With respect to a solar net metering system of ~~10~~ 15 kW or less, the  
4 Board shall provide that the system may be installed ten days after the  
5 customer's submission to the Board ~~and~~, the interconnecting electric company,  
6 and the municipality of a completed registration form and certification of  
7 compliance with the applicable interconnection requirements and the setback  
8 and screening requirements described in subdivision 248(b)(1) of this title.

9 Within that ten-day period, the interconnecting electric company and the  
10 municipality each may deliver to the customer and the Board a letter ~~detailing~~  
11 that, in the case of the interconnecting utility, details any issues concerning the  
12 interconnection of the system or, in the case of the municipality, addresses the  
13 facility's compliance with the applicable bylaw and screening requirements.

14 The customer shall not commence construction of the system prior to the  
15 passage of this ten-day period and, if applicable, resolution by the Board of any  
16 interconnection issues raised by the electric company or land use siting issues  
17 raised by the municipality in accordance with this subsection. If the ten-day  
18 period passes without delivery by the electric company or the municipality of a  
19 letter that raises ~~interconnection~~ issues in accordance with this subsection, a  
20 certificate of public good shall be deemed issued on the 11th day without  
21 further proceedings, findings of fact, or conclusions of law, and the customer

1 may commence construction of the system. On request, the ~~clerk~~ Clerk of the  
2 Board promptly shall provide the customer with written evidence of the  
3 system's approval. ~~For the purpose of~~ In this subdivision, the following shall  
4 not be included in the computation of time: Saturdays, Sundays, State legal  
5 holidays under 1 V.S.A. § 371(a), and federal legal holidays under 5 U.S.C.  
6 § 6103(a).

7 (2) With respect to a net metering system for which a certificate of  
8 public good is not deemed issued under subdivision (1) of this subsection, the  
9 Board:

10 (A) may waive the requirements of section 248 of this title that are  
11 not applicable to net metering systems, including, ~~but not limited to,~~ criteria  
12 that are generally applicable to public service companies as defined in this title,  
13 but shall not waive the land use bylaw and screening requirements described in  
14 subdivision 248(b)(1)(B) of this title;

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

17 (C) shall seek to simplify the application and review process as  
18 appropriate; and

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

21 \* \* \*

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

2       § 8007. SMALL RENEWABLE ENERGY PLANTS; SIMPLIFIED

3                   PROCEDURES

4           (a) The same application form, rules, and procedures that the Board applies  
5       to net metering systems of 150 kilowatts (kW) or less under sections 219a and  
6       248 of this title shall apply to the review under section 248 of this title of any  
7       renewable energy plant with a plant capacity of 150 kW or less and to the  
8       interconnection of such a plant with the system of a Vermont retail electricity  
9       provider. This requirement includes any waivers of criteria under section 248  
10      of this title made pursuant to section 219a of this title.

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

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

18                   (A) ~~Shall~~ shall waive the requirements of section 248 of this title that  
19      are not applicable to such a plant, including, for a plant that is not owned by a  
20      Vermont retail electricity provider, criteria that are generally applicable to such

1 a provider~~;~~, but shall not waive the land use bylaw and screening requirements  
2 described in subdivision 248(b)(1)(B) of this title;

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

5 (C) ~~Shall~~ shall simplify the petition and review process as  
6 appropriate.

7 \* \* \*

8 Sec. 4. 24 V.S.A. § 4413 is amended to read:

9 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

10 (a) The following uses may be regulated only with respect to location, size,  
11 height, building bulk, yards, courts, setbacks, density of buildings, off-street  
12 parking, loading facilities, traffic, noise, lighting, landscaping, and screening  
13 requirements, and only to the extent that regulations do not have the effect of  
14 interfering with the intended functional use:

15 (1) State- or community-owned and operated institutions and facilities.

16 (2) Public and private schools and other educational institutions certified  
17 by the state department of education.

18 (3) Churches and other places of worship, convents, and parish houses.

19 (4) Public and private hospitals.

20 (5) Regional solid waste management facilities certified under 10 V.S.A.  
21 chapter 159.

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(6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

(b) A bylaw under this chapter shall not regulate public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248, except that siting requirements contained in a bylaw under this chapter shall apply to solar electric generating plants through 30 V.S.A. § 248(b)(1)(B).

The application of municipal bylaw provisions to solar electric generation plants shall be subject to the limitations of subsection (a) of this section.

\* \* \*

(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE