

1 S.191

2 Introduced by Senator Mullin

3 Referred to Committee on

4 Date:

5 Subject: Energy; public service; renewable energy; net metering; solar  
6 generation; setbacks; screening

7 Statement of purpose of bill as introduced: This bill proposes to require that  
8 solar generation plants comply with setback and screening requirements  
9 adopted by the municipality.

10 An act relating to setbacks and screening for solar generation plants

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

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

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

16 (1) with respect to an in-state facility, will not unduly interfere with the  
17 orderly development of the region with due consideration having been given to  
18 the recommendations of the municipal and regional planning commissions, the  
19 recommendations of the municipal legislative bodies, and the land

1 conservation measures contained in the plan of any affected municipality.

2 However,:

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

11 (B) in addition to the other applicable provisions of this subdivision  
12 (1), a solar electric generation facility shall comply with the setback  
13 requirements, if any, that apply to other development in the area of the facility  
14 under the land use bylaws of the municipality in which the facility is located  
15 and shall comply with the screening requirements, if any, contained in the plan  
16 of that municipality that are specific to solar electric generation facilities. In  
17 this subdivision (B), “screening” includes landscaping, vegetation, fencing,  
18 and topographic features;

19 \* \* \*

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

2 § 219a. SELF-GENERATION AND NET METERING

3 \* \* \*

4 (c) The Board shall establish by rule or order standards and procedures  
5 governing application for, and issuance or revocation of a certificate of public  
6 good for net metering systems under the provisions of section 248 of this title.

7 A net metering system shall be deemed to promote the public good of the State  
8 if it is in compliance with the criteria of this section, and Board rules or orders.

9 In developing such rules or orders, the Board:

10 (1) With respect to a solar net metering system of 10 kW or less, shall  
11 provide that the system may be installed ten days after the customer's  
12 submission to the Board ~~and~~, the interconnecting electric company, and the  
13 municipality of a completed registration form and certification of compliance  
14 with the applicable interconnection requirements and the setback and screening  
15 requirements described in subdivision 248(b)(1) of this title. Within that  
16 ten-day period, the interconnecting electric company and the municipality each  
17 may deliver to the customer and the Board a letter ~~detailing that, in the case of~~  
18 the interconnecting utility, details any issues concerning the interconnection of  
19 the system or, in the case of the municipality, addresses the facility's  
20 compliance with the setback and screening requirements. The customer shall  
21 not commence construction of the system prior to the passage of this ten-day

1 period and, if applicable, resolution by the Board of any interconnection issues  
2 raised by the electric company in accordance with this subsection. If the  
3 ten-day period passes without delivery by the electric company or the  
4 municipality of a letter that raises ~~interconnection~~ issues in accordance with  
5 this subsection, a certificate of public good shall be deemed issued on the 11th  
6 day without further proceedings, findings of fact, or conclusions of law, and  
7 the customer may commence construction of the system. On request, the ~~electr~~  
8 Clerk of the Board promptly shall provide the customer with written evidence  
9 of the system's approval. ~~For the purpose of~~ In this subdivision, the following  
10 shall not be included in the computation of time: Saturdays, Sundays, State  
11 legal holidays under 1 V.S.A. § 371(a), and federal legal holidays under  
12 5 U.S.C. § 6103(a).

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

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

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

1 (C) shall seek to simplify the application and review process as  
2 appropriate; and

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

5 \* \* \*

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

7 § 8007. SMALL RENEWABLE ENERGY PLANTS; SIMPLIFIED  
8 PROCEDURES

9 (a) The same application form, rules, and procedures that the Board applies  
10 to net metering systems of 150 kilowatts (kW) or less under sections 219a and  
11 248 of this title shall apply to the review under section 248 of this title of any  
12 renewable energy plant with a plant capacity of 150 kW or less and to the  
13 interconnection of such a plant with the system of a Vermont retail electricity  
14 provider. This requirement includes any waivers of criteria under section 248  
15 of this title made pursuant to section 219a of this title.

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

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

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

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

9 (C) ~~Shall~~ shall simplify the petition and review process as  
10 appropriate.

11 \* \* \*

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

13 (b) A bylaw under this chapter shall not regulate public utility power  
14 generating plants and transmission facilities regulated under 30 V.S.A. § 248,  
15 except that setback requirements contained in a bylaw under this chapter shall  
16 apply to solar electric generating plants in accordance with 30 V.S.A.  
17 § 248(b)(1)(B).

18 Sec. 5. EFFECTIVE DATE

19 This act shall take effect on passage.