1	S.148
2	Introduced by Senator Benning
3	Referred to Committee on
4	Date:
5	Subject: Energy; land use; public service; electric generation; municipal
6	planning and development; siting standards
7	Statement of purpose of bill as introduced: This bill proposes, for electric
8	generation facilities, to require compliance with municipal and regional
9	recommendations, and land conservation measures and siting standards
10	contained in the municipal plan, unless the Public Service Board concludes
11	that a factor affecting the general good of the State substantially outweighs the
12	recommendation, measure, or standard.
13 14	An act relating to electric generation facilities and municipal and regional recommendations
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	Sec. 1. 30 V.S.A. § 248(b) is amended to read:
17	(b) Before the Public Service Board issues a certificate of public good as
18	required under subsection (a) of this section, it shall find that the purchase,
19	investment, or construction:

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1	(1) with <u>With</u> respect to an in-state facility, will not unduly interfere
2	with the orderly development of the region with due consideration having been
3	given to the recommendations of the municipal and regional planning
4	commissions, the recommendations of the municipal legislative bodies, and the
5	land conservation measures contained in the plan of any affected municipality.
6	However , :
7	(A) With respect to an electric generation facility, the facility shall
8	comply with these recommendations and land conservation measures, and any
9	siting standards adopted by an affected municipality under 24 V.S.A. § 4405,
10	unless the Board concludes that a factor affecting the general good
11	substantially outweighs the measure, recommendation, or standard;
12	(B) with With respect to a natural gas transmission line subject to
13	Board review, the line shall be in conformance with any applicable provisions
14	concerning such lines contained in the duly adopted regional plan; and, in
15	addition, upon application of any party, the Board shall condition any
16	certificate of public good for a natural gas transmission line issued under this
17	section so as to prohibit service connections that would not be in conformance
18	with the adopted municipal plan in any municipality in which the line is
19	located;

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1 Sec. 2. 24 V.S.A. § 4405 is added to read: 2 § 4405. SITING PLANS; ELECTRIC GENERATION FACILITIES 3 A municipality may include, in a plan adopted or amended under this 4 chapter, siting standards for electric generation facilities. These standards shall 5 apply to review of a petition for certificate of public good for such a facility in accordance with 30 V.S.A. § 248(b)(1). These standards may govern the 6 7 facility's location, size, height, building bulk, yards, setbacks, density of 8 buildings, off-street parking, loading facilities, traffic, noise, lighting, 9 landscaping, and screening, provided that they do not prohibit or have the 10 effect of prohibiting the installation of the facility and do not have the effect of 11 interfering with its intended functional use. 12 Sec. 3. 24 V.S.A. \S 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 However, a municipality may adopt siting standards for an electric generation 16 facility in accordance with section 4405 of this title. 17 Sec. 4. 30 V.S.A. § 224 is amended to read: 18 § 224. SPECIAL AUTHORITY TO MUNICIPALITY, TO BE UNDER 19 SUPERVISION OF PUBLIC SERVICE BOARD 20 Any statute conferring authority upon municipalities to supervise or to 21 make any order or regulation respecting any location, business or company,

- 1 subject to the provisions of this chapter, shall be construed as giving such
- 2 municipalities jurisdiction without authority to alter or modify any order,
- 3 judgment, decree or regulation made by the public service board Public
- 4 <u>Service Board. However, neither the Board nor a court shall interpret this</u>
- 5 <u>statute to restrict a municipality from adopting siting standards under</u>
- 6 <u>24 V.S.A. § 4405</u>.
- 7 Sec. 5. EFFECTIVE DATE
- 8 <u>This act shall take effect on July 1, 2015.</u>