

1 H. 40

2 Senator \_\_\_\_ moves that the report of the Committee on Natural Resources  
3 and Energy be amended as follows:

4 First: In the fourteenth instance of amendment, in Sec. 14b (Joint Energy  
5 Committee; recommendation), in subsection (a), by striking out subdivisions  
6 (1) through (3) and inserting in lieu thereof new subdivisions (1) and (2) to  
7 read:

8 (1) what revisions, if any, the Committee recommends that the General  
9 Assembly enact with respect to the statutes applicable to energy efficiency  
10 entities appointed and charges imposed under 30 V.S.A. § 209(d); and

11 (2) what legislation, if any, the Committee recommends that the General  
12 Assembly enact to clarify or alter the relationship of energy efficiency entities  
13 and charges under 30 V.S.A. § 209(d) with the energy transformation category  
14 adopted under Sec. 3 of this act, 30 V.S.A. § 8005(a).

15 Second: In the seventeenth instance of amendment, by striking out Secs.  
16 26a and 26b and inserting in lieu thereof new Secs. 26a, 26b, 26c, 26d, 26e,  
17 and 26f to read:

18 Sec. 26a. 30 V.S.A. § 248(a)(4)(F) is added to read:

19 (F) The legislative body and the planning commission for the  
20 municipality in which a facility is located shall have the right to appear as a  
21 party in any proceedings held under this subsection.

1 Sec. 26b. 30 V.S.A. § 248(s) is added read:

2 (s) This subsection sets minimum setback requirements that shall apply to  
3 in-state ground-mounted solar electric generation facilities approved under this  
4 section.

5 (1) The minimum setbacks shall be:

6 (A) from a State or municipal highway, measured from the edge of  
7 the traveled way:

8 (i) 100 feet for a facility with a plant capacity exceeding  
9 150 kW; and

10 (ii) 40 feet for a facility with a plant capacity less than or equal to  
11 150 kW but greater than 15 kW.

12 (B) From each property boundary that is not a State or municipal  
13 highway:

14 (i) 50 feet for a facility with a plant capacity exceeding  
15 150 kW; and

16 (ii) 25 feet for a facility with a plant capacity less than or equal to  
17 150 kW but greater than 15 kW.

18 (2) This subsection does not require a setback for a facility with a plant  
19 capacity equal to or less than 15 kW.

20 (3) On review of an application, the Board may:

21 (A) require a larger setback than this subsection requires; or

1           (B) approve an agreement among the parties to a smaller setback.

2           (4) In this subsection:

3           (A) “kW” and “plant capacity” shall have the same meaning as in  
4 section 8002 of this title.

5           (B) “Setback” means the shortest distance between the nearest  
6 portion of a solar panel or support structure for a solar panel, at its point of  
7 attachment to the ground, and a property boundary or the edge of a highway’s  
8 traveled way.

9           Sec. 26c. 30 V.S.A. § 248(b) is amended to read:

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

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

18           However,;

19           (A) with respect to a natural gas transmission line subject to Board  
20 review, the line shall be in conformance with any applicable provisions  
21 concerning such lines contained in the duly adopted regional plan; and, in

1 addition, upon application of any party, the Board shall condition any  
2 certificate of public good for a natural gas transmission line issued under this  
3 section so as to prohibit service connections that would not be in conformance  
4 with the adopted municipal plan in any municipality in which the line is  
5 located; and

6 (B) with respect to a solar electric generation facility, shall comply  
7 with the screening requirements of a municipal bylaw adopted under 24 V.S.A.  
8 § 4414(15) or a municipal ordinance adopted under 24 V.S.A. § 2291(28).

9 \* \* \*

10 Sec. 26d. 24 V.S.A. § 4414(15) is added to read:

11 (15) Solar plants; screening. Notwithstanding any contrary provision of  
12 section 4413 of this title or 30 V.S.A. chapter 5 or 89, a municipality may  
13 adopt a freestanding bylaw to establish screening requirements that shall apply  
14 to a plant that generates electricity from solar energy. The screening  
15 requirements adopted under this subdivision shall be a condition of a certificate  
16 of public good issued under 30 V.S.A. § 248 to a plant that generates  
17 electricity from solar energy, and shall not be construed to require a municipal  
18 permit. These requirements shall not prohibit or have the effect of prohibiting  
19 the installation of such a plant and shall not have the effect of interfering with  
20 its intended functional use. These requirements shall not be more restrictive  
21 than screening requirements applied to other land development in the

1 municipality under this chapter or, if the municipality does not have other  
2 bylaws except flood hazard, 10 V.S.A. chapter 151. In this section, “plant”  
3 shall have the same meaning as in 30 V.S.A. § 8002 and “screening” means  
4 reasonable aesthetic mitigation measures to harmonize a facility with its  
5 surroundings and includes landscaping, vegetation, fencing, and topographic  
6 features.

7 Sec. 26e. 24 V.S.A. § 2291 is amended to read:

8 § 2291. ENUMERATION OF POWERS

9 For the purpose of promoting the public health, safety, welfare, and  
10 convenience, a town, city, or incorporated village shall have the following  
11 powers:

12 \* \* \*

13 (28) Notwithstanding any contrary provision of section 4413 of this title  
14 or 30 V.S.A. chapter 5 or 89, a municipality may adopt an ordinance to  
15 establish screening requirements that shall apply to a plant that generates  
16 electricity from solar energy. The screening requirements adopted under this  
17 subdivision shall be a condition of a certificate of public good issued under 30  
18 V.S.A. § 248 to a plant that generates electricity from solar energy, and shall  
19 not be construed to require a municipal permit. The requirements of the  
20 ordinance shall not prohibit or have the effect of prohibiting the installation of  
21 such a plant and shall not have the effect of interfering with its intended

1 functional use. These requirements shall not be more restrictive than screening  
2 requirements applied to other land development in the municipality under  
3 chapter 117 of this title or, if the municipality does not have other bylaws  
4 except flood hazard, 10 V.S.A. chapter 151. In this section, “plant” shall have  
5 the same meaning as in 30 V.S.A. § 8002 and “screening” means reasonable  
6 aesthetic mitigation measures to harmonize a facility with its surroundings and  
7 includes landscaping, vegetation, fencing, and topographic features.

8 Sec. 26f. REPORT; TOWN ADOPTION OF SOLAR SCREENING

9 (a) On or before January 15, 2017, the Commissioner of Housing and  
10 Community Development (Commissioner) shall submit a report to the House  
11 and Senate Committees on Natural Resources and Energy that:

12 (1) identifies the municipalities that have adopted screening  
13 requirements pursuant to Sec. 26d of this act, 24 V.S.A. § 4414(15), or Sec.  
14 26e of this act, 24 V.S.A. § 2291(28);

15 (2) summarizes these adopted screening requirements; and

16 (3) provides the number of applications made under 24 V.S.A.  
17 § 4414(15) and 24 V.S.A. § 2291(28) and itemizes their disposition and status.

18 (b) Each municipality adopting a bylaw under 24 V.S.A. § 4414(15) or 24  
19 V.S.A. § 2291(28) shall provide the Commissioner, on request, with  
20 information needed to complete the report required by this section.

1        Second: In the eighteenth instance of amendment, in Sec. 28 (effective  
2        dates), by striking out subsection (c) and inserting in lieu thereof a new  
3        subsection (c) to read:

4        (c) Secs. 26a (municipal party status), 26b (setbacks), 26c (certificate of  
5        public good), 26d (solar screening bylaw), 26e (solar screening ordinance), and  
6        26f (report) shall take effect on passage.