

1 H.40

2 Senator Rodgers moves to amend the Senate proposal of amendment as
3 follows:

4 First: By striking out Secs. 26b through 26f and inserting in lieu thereof
5 new Secs. 26b through 26d to read:

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

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

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

15 However,;

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

1 with the adopted municipal plan in any municipality in which the line is
2 located; and

3 (B) with respect to a ground-mounted solar electric generation
4 facility that has a capacity greater than 15 kilowatts, the Board shall require
5 compliance with solar siting standards adopted by the municipality under 24
6 V.S.A. § 4382(e), unless the Board finds that requiring such compliance would
7 prohibit or have the effect of prohibiting the installation of such a facility or
8 have the effect of interfering with the facility’s intended functional use.

9 * * *

10 Sec. 26c. 24 V.S.A. § 4382(e) is added to read:

11 (e) Notwithstanding any contrary provision of section 2291a of this title or
12 of 30 V.S.A. § 224, a municipality may adopt in its plan siting standards that
13 the Public Service Board shall apply in accordance with 30 V.S.A.
14 § 248(b)(1)(B) to a ground-mounted plant that generates electricity from solar
15 energy and has a plant capacity greater than 15 kW.

16 (1) Siting standards under this subsection shall not be more restrictive
17 than siting standards applied to other commercial development in the
18 municipality under this chapter.

19 (2) As used in this subsection:

20 (A) “kW, “plant,” and “plant capacity” shall have the same meaning
21 as in 30 V.S.A. § 8002.

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

5 (C) “Siting standards” means setbacks or reasonable aesthetic
6 mitigation measures to harmonize a facility with its surroundings, or both.
7 These standards may include landscaping, vegetation, fencing, and topographic
8 features.

9 (3) This section does not authorize requiring a municipal land use permit
10 for a solar electric generation plant.

11 Sec. 26d. REPORT; TOWN ADOPTION OF SITING STANDARDS

12 (a) On or before January 15, 2017, the Commissioners of Housing and
13 Community Development and of Public Service (the Commissioners) jointly
14 shall submit a report to the House and Senate Committees on Natural
15 Resources and Energy that:

16 (1) identifies the municipalities that have adopted siting standards
17 pursuant to Sec. 26c of this act, 24 V.S.A. § 4382(e);

18 (2) summarizes these adopted siting standards; and

19 (3) provides the number of proceedings before the Public Service Board
20 in which these siting standards were applied and itemizes the disposition and
21 status of those proceedings.

1 (b) Each municipality adopting siting standards under 24 V.S.A. § 4382(e)
2 shall provide the Commissioners, on request, with information needed to
3 complete the report required by this section.

4 Second: In Sec. 28 (effective dates), by striking out subsection (c) in its
5 entirety and inserting in lieu thereof a new subsection (c) to read:

6 (c) Secs. 26a (municipal party status), 26b (compliance with siting
7 standards), 26c (adoption of siting standards), and 26d (report) shall take effect
8 on passage. Secs. 26a through 26c shall not apply to a facility for which a
9 complete application was filed under 30 V.S.A. § 248 before their effective
10 date.