

**Summary of Introduced Energy Siting Bills, 2015**  
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<b>BILL (Sponsor; # cosponsors)</b>	<b>FACILITIES AFFECTED</b>	<b>SUBJECT MATTER</b>
<p><b>S.48</b>; setback and screening requirements for solar generation plants (Mullin; 2)</p> <p><b>H.100</b> (identical) (Terrenzini; 23)</p>	Solar electric generation	<p><u>Role of municipality or region:</u></p> <p>Authorizes municipalities to adopt bylaws establishing setback and screening requirements for solar that apply notwithstanding any contrary provision. The bylaws may not have the effect of prohibiting the installation of a solar project or interfering with its intended use. Screening may include landscaping, vegetation, fencing, and topographic features.</p>
<p><b>S.85</b>; screening requirements for solar generation plants subject to Public Service Board siting review (Rodgers)</p>	Solar electric generation	<p><u>Role of municipality or region:</u></p> <p>To obtain a certificate of public good (CPG) from the Public Service Board (PSB), ground mounted solar facility must meet:</p> <ul style="list-style-type: none"> <li>• the municipality’s setback requirements that apply to other development in the area</li> <li>• screening requirements in the municipal plan that are specific to solar, provided they do not interfere with the intended use of the facility</li> </ul> <p>Amends the solar registration process for facilities of 15 kW to require certification of compliance with municipal screening and setback requirements, copy of registration form to municipality, and opportunity for municipality to raise any issues.</p> <p>Amends statutes that otherwise would allow PSB waive the setback and screening requirements.</p>
<p><b>H.199</b>; siting approvals for energy facilities (Nuovo; 6)</p>	Electric generation and natural gas facilities	<p><u>Role of municipality or region:</u></p> <p>Electric generation and natural gas facilities must conform to municipal and regional plans; maintains status quo for electric transmission facilities (“due consideration”)</p> <p>Petitioner to have burden of proof by clear and convincing evidence on any relevant issue raised by affected town or planning commission, or resident of affected town</p>

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<b>H.276</b> ; greater weight to municipal and regional plans in the siting of electric generation facilities (Klein)	Electric generation facilities	<p><u>Role of municipality or region:</u></p> <p>Varies the weight given to municipal and regional plans and recommendations under 30 V.S.A. § 248:</p> <p>Status quo of “due consideration” maintained for electric generation facility if it:</p> <ul style="list-style-type: none"> <li>• is to address a a reliability deficiency;</li> <li>• is rooftop solar; or</li> <li>• is located in on gravel pit, landfill, quarry, or brownfield</li> </ul> <p>For other generation facilities, the PSB must give deference to the recommendations of the municipality’s legislative body and municipal and regional planning commissions, and the land conservation measures in the municipal plan.</p> <ul style="list-style-type: none"> <li>• Deference only available if the municipal or regional plan identifies locations to receive a pro rata share of new renewable energy from generation facilities with capacities ≤ 5 MW.</li> <li>• The PSB may decline to defer to a recommendation or land conservation measure if it is clearly outweighed by another factor affecting the general good of the state.</li> </ul>
<b>H.341</b> ; role for municipal govt. in the siting of small solar net metering systems (Masland; 1)	Solar – 15 kW or less	<p><u>Role of municipality or region:</u></p> <p>Amends the solar registration process for facilities up to 15 kW to require copy of registration form to municipal legislative body and planning commission, which may submit a letter to customer and PSB stating any issues with siting of project. Extends period for submitting letter, and to begin construction, from 10 to 30 days.</p>
<b>H.358</b> ; siting and decommissioning of solar generation facilities (Smith; 19)	Solar electric generation	<p><u>Role of municipality or region:</u></p> <p>If a solar electric generation facility will be ground-mounted and located outside a commercial or industrial zone, the PSB must defer to municipal or regional recommendations or land conservation measures in the municipal plan unless the measure lacks a rational basis, is clearly outweighed by the facility’s benefit to the state, or the facility is located on a brownfield.</p>

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		<p>Amends the solar registration process for facilities of 15 kW to require copy of registration form to municipal legislative body and planning commission, which may submit letter to customer and PSB stating any issues with siting of project.</p> <p>Amends statutes that otherwise would allow PSB to waive the deference requirement.</p> <p><u>Other subject matter:</u></p> <p>Directs the PSB to impose decommissioning requirements on ground-mounted solar generation facilities with a capacity greater than 15 kW.</p>
<b>H.360</b> ; solar generation and agricultural soils (Smith; 2)	Solar electric generation	Act 250 does not apply to solar electric generation facilities located on land set aside for mitigation of primary agricultural soils.
<b>H.377</b> ; Public Service Board siting review and to “community” generation facilities (Lenes; 3)	Facilities subject to PSB siting review	<p><u>Role of municipality or region:</u></p> <p>For all facilities subject to PSB siting review:</p> <ul style="list-style-type: none"> <li>• States a purpose to require giving great weight to plans and recommendations of municipal and regional bodies and to allow municipalities to make recommendations based on their bylaws that the PSB must consider regardless of whether the facility is exempt from those bylaws.</li> <li>• Defines “substantial deference” to mean that a municipal land conservation measure or municipal or regional recommendation is presumed valid, correct, and reasonable. A party claiming good cause not to require compliance must show that it would cause a detriment to the general good of the State that a reasonable person would conclude substantially exceeds the public good furthered by the measure or recommendation.</li> </ul> <p>For energy facilities subject to PSB siting review:</p>

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		<ul style="list-style-type: none"> <li>• PSB is to hold technical hearings in the affected municipality.</li> <li>• Aligns several provisions with similar language in 30 V.S.A. § 248a (telecommunications siting):               <ul style="list-style-type: none"> <li>○ PSB to give substantial deference to municipal land conservation measures and municipal and regional recommendations</li> <li>○ Makes legislative body and planning commission in town where facility will be located parties by right</li> <li>○ Municipality may make recommendations based on its land use bylaws.</li> <li>○ A letter from an affected municipal body or regional planning commission on compliance with the municipal plan or the regional plan, respectively, creates a rebuttable presumption concerning such compliance.</li> </ul> </li> </ul> <p>Removes the complete exemption from local land use bylaws for “public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.” Instead, allows limited municipal regulation of these facilities (size, height and other factors) if the regulation does not interfere with the intended use.</p> <p><u>Other subject matter:</u></p> <p>Prohibits representing that an energy facility subject to § 248 is a “community” facility or similar term unless it meets a definition of “community scale energy generation facility.” The definition limits the height and capacity of the facility and includes other requirements.</p>
<b>H.455</b> ; siting process for facilities subject to Public Service Board review	Facilities subject to PSB siting review	<p><u>Role of municipality or region:</u></p> <p>Before issuing CPG, PSB must find the project complies with recommendations of municipal bodies and the regional planning commission and land conservation measures in the municipal plan, unless a factor affecting the general good substantially outweighs these recommendations.</p>

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(Hooper)		<p>For energy facilities, aligns municipal party status with § 248a (telecommunications facilities) by making the legislative body and planning commission for the town where facility will be located parties by right.</p> <p><u>Other subject matter:</u></p> <p>Requires compliance with Act 250 criteria instead of “due consideration.” Requires PSB to hear land use and environmental issues jointly with the Natural Resources Board.</p> <p>Aligns standard to obtain party status with standard under 10 V.S.A. chapter 151 (Act 250). PSB must make available forms for a person to complete to move to become a party.</p>