

S.50

Solar Setbacks

ELLEN CZAJKOWSKI, OFFICE OF LEGISLATIVE COUNSEL

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30 V.S.A. § 248

(S) This subsection sets minimum setback requirements that shall apply to in-state ground-mounted solar electric generation facilities approved under this section, unless the facility is installed on a canopy constructed on an area primarily used for parking vehicles that is in existence or permitted on the date the application for the facility is filed.

(1) THE MINIMUM SETBACKS SHALL BE:

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

- (i) 100 feet for a facility with a plant capacity exceeding 150 kW; and
- (ii) 40 feet for a facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.

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

- (i) 50 feet for a facility with a plant capacity exceeding 150 kW; and
- (ii) 25 feet for a facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.

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

(3) ON REVIEW OF AN APPLICATION, THE COMMISSION MAY:

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

(B) approve an agreement to a smaller setback among the applicant, the municipal legislative body, and each owner of property adjoining the smaller setback; or

(C) require a setback for a facility constructed on an area primarily used for parking vehicles, if the application concerns such a facility.

(4) IN THIS SUBSECTION:

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

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

24 V.S.A. § 4413. Limitations on municipal bylaws

(b) A bylaw under this chapter shall not regulate electric generation facilities, energy storage facilities, and transmission facilities regulated under 30 V.S.A. § 248 or subject to regulation under 30 V.S.A. § 8011.

24 V.S.A. § 2291a. Renewable energy devices

Notwithstanding any provision of law to the contrary, no municipality, by ordinance, resolution, or other enactment, shall prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources. This section shall not apply to patio railings in condominiums, cooperatives, or apartments.

S.50 Sec. 3

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

(15) Notwithstanding any contrary provision of sections 2291a and 4413 of this title or 30 V.S.A. chapter 5 or 89, in a municipality that has adopted a bylaw to establish setback requirements for development, those requirements shall apply to a net metering system that is 25 kW or less in size that has been registered with the Public Utility Commission as part of expedited review under 30 V.S.A. § 248. Setback requirements under this subdivision shall not be more restrictive than requirements applied to other development in the municipality under this chapter.

Potential Options

- Do you (the Committee) want ground-mounted solar 25 kW and smaller to be required to comply with a setback requirement?
- If so, do you want to set a single setback size in statute under 248?
 - *If yes, then you'll need to rewrite Sec. 3 to get rid of 4412(15) and amend 248.*
- Or do you want it to depend on the town where the solar is located?
 - *If yes, then you'll still need to amend 248 to strike (b).*
- If not, you could remove Sec. 3.