

**From:** Christopher Bray [CBray@leg.state.vt.us]

**Sent:** Wednesday, May 13, 2015 6:50 PM

**To:** Springer, Darren; Rebecca Ramos; Adam Necrason; Ben Walsh; Gabrielle Stebbins; Andrew Savage; Lauren Hierl; Johanna Miller

**Subject:** new pro-tem amendment for H.40

**Attachments:** GENERAL-#309481-v1-H\_40;\_campbell;\_siting\_standards.pdf

Dear All,

Pro-tem's latest amendment--apparently to be offered tomorrow before 3rd reading--based on his conversations today with municipal planners:

In short, it moves from statewide setbacks and local screening via bylaws or ordinance (to be treated as a recommendation) to placing setbacks and screening into town plans--as these are already considered by the PSB.

Please read through and let me know ASAP -- as I'll have to reconvene the SNRE committee before the floor, which begins at 11am.

BTW, there are two amendments on the calendar:

<http://legislature.vermont.gov/assets/Documents/2016/Docs/CALENDAR/sc150514.pdf>

Nearly there! ... hang in ...

--Chris

PS. please share amendment around

H.40

Senator \_\_\_ moves to amend the Senate proposal of amendment as follows:

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

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

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

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

However,;

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

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

(B) with respect to a ground-mounted solar electric generation facility, the Board shall require compliance with solar siting standards adopted by the municipality under 24 V.S.A. § 4382(e), unless the Board finds that requiring such compliance would prohibit or have the effect of prohibiting the installation of such a facility or have the effect of interfering with the facility's intended functional use.

\* \* \*

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

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

(1) Siting standards under this subsection shall not be more restrictive than siting standards applied to other commercial and industrial development in the municipality under this chapter or, if the municipality does not have land use bylaws except flood hazard, 10 V.S.A. chapter 151.

(2) As used in this subsection:

(A) "Plant" shall have the same meaning as in 30 V.S.A. § 8002.

(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.

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

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

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

- (1) identifies the municipalities that have adopted siting standards pursuant to Sec. 26c of this act, 24 V.S.A. § 4382(e);
- (2) summarizes these adopted siting standards; and
- (3) provides the number of proceedings before the Public Service Board in which these siting standards were applied and itemizes the disposition and status of those proceedings.

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

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

(c) Secs. 26a (municipal party status), 26b (compliance with siting standards), 26c (adoption of siting standards), and 26d (report) shall take effect on passage.