

**From:** Christopher Bray [cbray@sover.net]

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**To:** Springer, Darren

**Subject:** amendment #2 of 4, Bray on litigation cost recovery

**Attachments:** GENERAL-#308973-v1-H\_40;\_Bray;\_solar\_setbacks;\_attorneys\_fees.doc

Ditto---

your thoughts please

H.40

Senator Bray moves that the report of the Committee on Natural Resources and Energy be amended in the seventeenth instance of amendment by striking out Sec. 26a and inserting in lieu thereof a new Sec. 26a to read:

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

(15) Solar plants; setbacks; screening. Notwithstanding any contrary provision of section 4413 of this title or 30 V.S.A. chapter 5 or 89, a municipality may adopt bylaws that require a plant that generates electricity from solar energy to comply with setback and screening requirements. These requirements shall not prohibit or have the effect of prohibiting the installation of such a plant and shall not have the effect of interfering with its intended functional use. On appeal under section 4471 of this title, the Court may award against a municipality half the amount of reasonable attorneys' fees and litigation costs incurred by an applicant who substantially prevails on an allegation that the requirements imposed by the municipality under this subdivision prohibit or have effect of prohibiting the plant's installation or of interfering with its intended functional use. In this section, "plant" shall have the same meaning as in 30 V.S.A. § 8002 and "screening" includes landscaping, vegetation, fencing, and topographic features.