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systems.

1	H.312
2	Introduced by Representative Browning of Arlington
3	Referred to Committee on
4	Date:
5	Subject: Electric generation facilities; municipal plans; state land use and
6	development; municipal planning and development; zoning bylaws
7	Statement of purpose of bill as introduced: This bill proposes to require that
8	in-state electric generation facilities conform with adopted municipal plans.
9	This bill also gives municipalities the authority to adopt land use bylaws to

An act relating to siting of electric generation facilities

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 30 V.S.A. § 248 is amended to read:

§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND

FACILITIES; CERTIFICATE OF PUBLIC GOOD

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regulate the siting of electric generation facilities, except for net metering

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

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(1)(A) with respect to an in-state electric generation facility, will be in conformance with the adopted municipal plan for the municipality in which the facility is located, and due consideration has been given to the recommendations of the regional planning commissions and the land conservation measures contained in the plan of any other affected municipality;

(B) with respect to an any other in-state facility subject to this section, 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, 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 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;

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- Sec. 2. 24 V.S.A. § 4411 is amended to read:
- 2 § 4411. ZONING BYLAWS

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(b) All zoning bylaws shall apply to all lands within the municipality other than as specifically limited or exempted in accordance with specific standards included within those bylaws and in accordance with the provisions of this chapter. The provisions of those bylaws may be classified so that different provisions may be applied to different classes of situations, uses, and structures and to different and separate districts of the municipality as may be described by a zoning map made part of the bylaws. The land use map required pursuant to subdivision 4382(a)(2) of this title of any municipality may be designated as the zoning map except in cases in which districts are not deemed by the planning commission to be described in sufficient accuracy or detail by the municipal plan land use map. All provisions shall be uniform for each class of use or structure within each district, except that additional classifications may be made within any district for any or all of the following:

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(5) to regulate, restrict, or prohibit uses or structures associated with the generation of electricity from all fuels or particular fuels, except as provided in sections 4412 and 4413 of this title.

1	Sec. 3. 24 V.S.A. § 4413 is amended to read:
2	§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS
3	* * *
4	(b) A bylaw under this chapter shall not regulate:
5	(1) net metering systems as defined under 30 V.S.A. § 219a; and
6	(2) public utility power generating plants and transmission facilities
7	regulated under 30 V.S.A. § 248.
8	* * *
9	(g) Notwithstanding any provision of law to the contrary, a bylaw adopted
10	under this chapter shall not:
11	(1) Regulate regulate the installation, operation, and maintenance, on a
12	flat roof of an otherwise complying structure, of a solar energy device that
13	heats water or space or generates electricity. For the purpose of this
14	subdivision, "flat roof" means a roof having a slope less than or equal to five
15	degrees-; or
16	(2) Prohibit prohibit or have the effect of prohibiting the installation of
17	solar collectors not exempted from regulation under subdivision (1) of this
18	subsection, clotheslines, or other energy devices that are based on renewable
19	resources and do not generate electricity from wind.
20	* * *

BILL AS INTRODUCED	
2013	

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- 1 Sec. 4. EFFECTIVE DATE
- This act shall take effect on July 1, 2013.