

1 S.148

2 Introduced by Senator Benning

3 Referred to Committee on

4 Date:

5 Subject: Energy; land use; public service; electric generation; municipal
6 planning and development; siting standards

7 Statement of purpose of bill as introduced: This bill proposes, for electric
8 generation facilities, to require compliance with municipal and regional
9 recommendations, and land conservation measures and siting standards
10 contained in the municipal plan, unless the Public Service Board concludes
11 that a factor affecting the general good of the State substantially outweighs the
12 recommendation, measure, or standard.

13 An act relating to electric generation facilities and municipal and regional
14 recommendations

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

16 Sec. 1. 30 V.S.A. § 248(b) is amended to read:

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

1 Sec. 2. 24 V.S.A. § 4405 is added to read:

2 § 4405. SITING PLANS; ELECTRIC GENERATION FACILITIES

3 A municipality may include, in a plan adopted or amended under this
4 chapter, siting standards for electric generation facilities. These standards shall
5 apply to review of a petition for certificate of public good for such a facility in
6 accordance with 30 V.S.A. § 248(b)(1). These standards may govern the
7 facility's location, size, height, building bulk, yards, setbacks, density of
8 buildings, off-street parking, loading facilities, traffic, noise, lighting,
9 landscaping, and screening, provided that they do not prohibit or have the
10 effect of prohibiting the installation of the facility and do not have the effect of
11 interfering with its intended functional use.

12 Sec. 3. 24 V.S.A. § 4413(b) is amended to read:

13 (b) A bylaw under this chapter shall not regulate public utility power
14 generating plants and transmission facilities regulated under 30 V.S.A. § 248.
15 However, a municipality may adopt siting standards for an electric generation
16 facility in accordance with section 4405 of this title.

17 Sec. 4. 30 V.S.A. § 224 is amended to read:

18 § 224. SPECIAL AUTHORITY TO MUNICIPALITY, TO BE UNDER
19 SUPERVISION OF PUBLIC SERVICE BOARD

20 Any statute conferring authority upon municipalities to supervise or to
21 make any order or regulation respecting any location, business or company,

1 subject to the provisions of this chapter, shall be construed as giving such
2 municipalities jurisdiction without authority to alter or modify any order,
3 judgment, decree or regulation made by the ~~public service board~~ Public
4 Service Board. However, neither the Board nor a court shall interpret this
5 statute to restrict a municipality from adopting siting standards under
6 24 V.S.A. § 4405.

7 Sec. 5. EFFECTIVE DATE

8 This act shall take effect on July 1, 2015.