

1 S.226

2 Introduced by Senator Nitka

3 Referred to Committee on

4 Date:

5 Subject: Energy; natural resources; public service; land use; municipal and  
6 regional planning

7 Statement of purpose of bill as introduced: This bill proposes to require the  
8 Public Service Board, when making a siting determination for energy facilities  
9 within its jurisdiction, to defer to municipal and regional recommendations  
10 unless there is a clear and convincing demonstration that they are outweighed  
11 by other factors affecting the general good of the State.

12 An act relating to energy facility siting

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

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

15 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND  
16 FACILITIES; CERTIFICATE OF PUBLIC GOOD

17 \* \* \*

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

1           (1) With respect to an in-state facility, will not unduly interfere with the  
2 orderly development of the region with ~~due consideration~~ substantial deference  
3 having been given to the recommendations of the municipal and regional  
4 planning commissions, the recommendations of the municipal legislative  
5 bodies, and the land conservation measures contained in the plan of any  
6 affected municipality. In this subdivision (1), “substantial deference” means  
7 that a recommendation or land conservation measure shall be applied in  
8 accordance with its terms unless there is a clear and convincing demonstration  
9 that it lacks a rational basis or that other factors affecting the general good of  
10 the State outweigh application of the recommendation or measure. However:

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

19           (B) with respect to a ground-mounted solar electric generation  
20 facility, the facility shall comply with the screening requirements of a  
21 municipal bylaw adopted under 24 V.S.A. § 4414(15) or a municipal ordinance

1 adopted under 24 V.S.A. § 2291(28), and the recommendation of a  
2 municipality applying such a bylaw or ordinance, unless the Board finds that  
3 requiring such compliance would prohibit or have the effect of prohibiting the  
4 installation of such a facility or have the effect of interfering with the facility's  
5 intended functional use.

6 \* \* \*

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on July 1, 2016.