



CHITTENDEN COUNTY RPC
Communities Planning Together

CCRPC Long Range Planning Committee

AGENDA

DATE: Wednesday, September 21, 2016

TIME: **5:00 p.m. to 6:00 pm**

PLACE: CCRPC Office, 110 West Canal Street, Suite 202, Winooski, VT.

1. Welcome – 5 minutes
2. Project Overview -10 minutes
3. Detailed Schedule and Brief Update on Municipal Planning Commission meetings to date*-
10 minutes
4. Discuss Staff memo on the procedure for seeking municipal input regarding constraints to
renewable energy generation* -15 minutes
5. Review DRAFT FAQ*-15 minutes
6. Next Steps-5 minutes

*=attached to agenda in the meeting packet

In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext *21 or evaughn@ccrpcvt.org, no later than 3 business days prior to the meeting for which services are requested.

Chittenden County Regional Energy Plan

LRPC Energy Sub-Committee Meeting Schedule

This document provides a brief description of each committee meeting scheduled to take place over the next 18 months to guide the development of the Chittenden County Regional Energy Plan.

- September: Kick-off, review schedule, project overview, and discuss staff recommendation for accepting local input on constraints to renewable energy generation
- October: LEAP Analysis Presentation, Draft data on current level of energy use (and generation) within the region across all sectors: thermal (building heating and cooling), transportation, and residential and commercial electricity.
- November: LEAP Data (if needed), Future transportation Energy Demand, draft Renewable Energy Resource Maps
- December: Draft Renewable Energy resource maps, Transportation Energy Demand
- January-May: Narrative sections of the Regional Energy Plan to prepare for the May 31, 2017 deadline when the first draft of the energy plan will be due. The plan will include the energy data, LEAP-based forecasts, maps, and strategies and pathways for conservation, efficiency, and use of alternative energy/fuel sources for the thermal, transportation, and electricity sectors.
- June – December 2017: Reviewing comments on the draft plan and producing final draft plan by December. CCRPC considers Regional Energy Plan for approval December 2017. Public Service Department review will begin and continue through February 2018.

TO: Planning Commissions, Energy Committees, Selectboards, and Conservation Commissions

FROM: CCRPC's Long Range Planning Energy Sub-Committee

RE: Local Input for Constraints on the Siting of Renewable Energy Generation Facilities

In agreement with the Department of Public Service and Bennington County RC, CCRPC is working on developing an enhanced Regional Energy Plan that will ultimately be adopted as part of the 2018 Chittenden County ECOS Plan. The purpose of this work is to develop a detailed energy plan to advance the State's Comprehensive Energy Plan goals and at the same time ensure that local and regional land use policies are being applied in the Public Service Board's (PSB) Section 248 process. Additionally, Act 174 (signed into law in 2016) requires all regional planning commissions to go through an enhanced regional planning process regarding energy planning in order for the PSB to give regional plans "substantial deference" in 248 proceedings. According to Act 174, "Substantial deference" means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy."

As part of this work, CCRPC is developing Regional Energy Maps. These maps illustrate areas where renewable energy development would be most appropriate based on a combination of the presence of renewable energy resources and the lack of environmental constraints. To ensure that the Regional Energy Plan accurately reflects where municipalities want to encourage renewable energy generation, CCRPC is asking for municipalities to weigh in with their input on local constraints by following the procedure below.

Two types of constraints are defined in identifying suitable areas for renewable energy generation development. Level 1 Constraints include ecological and physical conditions that would very likely prevent the development of renewable energy infrastructure based on existing development constraints and Vermont environmental regulations. Level 2 constraints include ecological and physical constraints that may make renewable energy generation less feasible but do not necessarily prevent development. The Department of Public Service and Bennington County RC have worked with the Agency of Natural Resources to identify a full list of level 1 and level 2 constraints to be applied state-wide. See the list below.

Level 1 Constraints include: Vernal pool + 600 ft. buffer, River Corridors, FEMA Floodways, Rare and Irreplaceable Natural Areas, Transportation Infrastructure, Wetlands, Federal Wilderness Areas, and Agency of Natural Resources in Fee Simple Ownership.

Level 2 Constraints include: Agricultural + Hydric Soils, FEMA Flood Zones, Conserved Land, Deer Wintering Areas, and Habitat Blocks.

CCRPC asks municipalities to use these same definitions of level 1 and level 2 constraints to identify additional local constraints that should be added to the two categories used in developing the energy resource maps. These maps are intended to be part of what is evaluated by the PSB to give "substantial

deference” to the Regional Plan. As such, they should show existing municipal “land conservation measures or specific policies” on land use.

Please ensure that proposed local constraints represent policies that are currently in effect in your town plan goals, policies or strategies, maps and/or zoning regulations. CCRPC recognizes that some municipalities are currently undergoing town plan or zoning updates and asks that if a constraint is part of a draft process it be indicated in the correspondence to us. Please note, as a guideline, that only adopted polices effective May 2017 may be included.

The deadline for initial input is November 1, 2016.

DRAFT

FREQUENTLY ASKED QUESTIONS
REGIONAL ENERGY PLAN
September 13, 2016

1. If a municipality chooses NOT to pursue the path towards 'substantial deference' would the enhanced Regional Energy Plan be sufficient to represent the municipalities concerns in Section 248 proceedings?

As we are just beginning our planning process, we cannot guarantee the Regional Energy Plan will be sufficient to reflect each and every town's concerns in the PSB process. We do know if a municipality is not pursuing 'substantial deference' and they choose to intervene in the Section 248 process their concerns will only be given 'due consideration'. **Unsure whether substantial deference is automatic or CCRPC has to request party status for the regional plan to be granted this. ACT 174 is silent on procedural items.**

2. How does the future total energy demand in the State's Total Energy Study compare to the future energy demand produced by LEAP? **Need to ask DPS staff**
3. What is the connection between the Tier 1-3 requirements for utilities and the Regional Energy Plan?

The Regional Energy Plan ensures that local and regional policies are considered when utilities are siting new renewable energy generation facilities.

Commented [EN1]: Will there be more connections than this?

4. Will RPCs and Towns still have to intervene in a Certificate of Public Good petition process in order for their plans to be given substantial deference?

We cannot say how the PSB is going to operate in practice. Act 174 did change the definition in order to give the Plan greater weight. The towns/RPCS may still need to proactively intervene in order to get their interests addressed.

5. If a town receives certificate of energy compliance from DPS before 2018 do they need to recertify once the RPC finalizes and receives their certification?

No. The determination of energy compliance from the Department of Public Service is in effect for five years. The Department of Public Service will cease reviewing town plans July, 1 2018. When a town needs to re-certify it will be with the RPC.

6. Are towns required to produce renewable energy generation targets?

We will not know until the standards are finalized on November 1.

7. Are regions required to produce renewable energy generation targets in order to received energy certification?

We don't know yet. However CCRPC is obligated to do this because it's a requirement of the DPS's regional energy project contract.

8. What type of local constraints will the RPC reflect in the regional energy map?

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The regional energy plan map will likely reflect local constraints as requested by a municipality so long as protection of the local constraint is a clearly stated goal or policy in an adopted Town Plan or Zoning bylaw. The Regional Plan at a minimum will include the Public Service Board/Agency of Natural Resources list of constraints.

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