

**Staff Review of the Draft 2019 Colchester Town Plan, Including Enhanced Energy Plan Review**  
**Emily Nosse-Leirer, Senior Planner**

**February 5, 2019 – Updated February 6, 2019 per attached memo (Note annotations highlighted below)**

The Town of Colchester has requested, per 24 V.S.A. §4350, that the Chittenden County Regional Planning Commission (1) approve its draft 2019 Colchester Town Plan; and (2) confirm its planning process.

Additionally, the Town of Colchester has requested that the Chittenden County Regional Planning Commission issue a determination of compliance with the enhanced energy planning standards set forth in 24 V.S.A. §4352 for the draft 2019 Colchester Town Plan.

This draft 2019 Colchester Town Plan is an update and re-adoption of the 2014 Colchester Town Plan. In accordance with statute, re-adoption means that this is a fully compliant plan that will expire eight years after adoption by the Selectboard. CCRPC reviewed the 2014 plan and met with Colchester staff and the Colchester Planning Commission to discuss it in June 2017 as part of an informal review and consultation process. The draft 2019 Colchester Town Plan addresses several new required elements, provides updated data, addresses recent changes to the community and includes an enhanced energy plan. The plan has an engaging breakdown of sections and clearly demonstrates the challenges and future plans for each are of town in an understandable manner. Additionally, the enhanced energy section has clear and useful descriptions of the limited municipal role in energy planning. The preferred site designation section and related scorecard is a great step towards making preferred site designations objective without limiting them to a few parcels identifying in the town plan. Staff have completed this formal review of the plan and review of the plan against the Vermont Department of Public Service’s Energy Planning Standards for Municipal Plans in advance of the Planning Commission’s first public hearing on the plan on February 5, 2019 hearing.

**Confirming and Approving the Municipal Plan**

Following the Chittenden County Regional Planning Commission’s (CCRPC’s) *Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans (2018)* and the statutory requirements of 24 V.S.A. Chapter 117, I have reviewed the draft 2019 Colchester Town Plan to determine whether it is:

- Consistent with the general goals of §4302;
- Consistent with the specific goals of §4302;
- Contains the required elements of §4382;
- Compatible with the 2018 Chittenden County Regional Plan, entitled the *2018 Chittenden County ECOS Plan* (per §4350); and
- Compatible with approved plans of other municipalities (per §4350).

Additionally, I have reviewed the planning process requirements of §4350.

**Staff Review Findings and Comments**

1. The draft 2019 Colchester Town Plan is consistent with the general goals of §4302. See the attached Appendix A submittal that describes how the Plan is consistent with these goals.
2. The draft 2019 Colchester Town Plan is consistent with the specific goals of §4302. See the attached Appendix A submittal that describes how the Plan is consistent with these goals.

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3. The draft 2019 Colchester Town Plan contains the required elements of §4382. See the attached Appendix A submittal that describes how the Plan is consistent with these goals.
4. The draft 2019 Colchester Town Plan is generally compatible with the planning areas, goals and strategies of the 2018 Chittenden County Regional Plan, entitled the *2018 Chittenden County ECOS Plan*.
5. The draft 2019 Colchester Town Plan is compatible with the municipal plans for South Hero, Milton, Westford, Essex, South Burlington, Winooski, and Burlington.
6. Colchester has a planning process in place that is sufficient for an approved plan. In addition, Colchester has provided information about their planning budget and CCRPC finds that Colchester is maintaining its efforts to provide local funds for municipal and regional planning.

Comments/Questions:

While no changes are needed to meet statutory requirements, the following suggests may help clarify the plan:

- Land Use pg. 14, Action 3 says “Within three years of adoption of this plan, fluvial erosion hazard standards should be evaluated for incorporation into the Development Regulations.” When I first read this, the intent was not clear. To clarify, I suggest the following:
  - Consider updating this action to clarify that the plan is to move away from the town’s current static setback on rivers and streams and towards the areas defined in the state’s draft river corridor maps.
  - Add the FEH overlay to one of the maps (possibly the state and local known constraints map) to clarify that it is what is currently being regulated (Map 11 shows the ANR River Corridor, which shows what you will be investigating moving towards).  
Please see the attached memo from Sarah Hadd about the PC’s agreed upon changes to the text, which may be available online by the time of the PAC meeting.
- In the Land Use chapter, think about adding parentheses or a side bar in the text to define each zoning district abbreviation. They are often presented without that information.
- The plan effectively draws on many other planning processes and documents, such as the Economic Development Action Plan and the 2017 Housing Needs Assessment. It would be very useful for the reader if the final PDF of the plan had a link to each of these plans as they are discussed.

**Enhanced Energy Plan Review**

Following the statutory requirements of 24 V.S.A. §4352 and Vermont Department of Public Service’s Energy Planning Standards for Municipal Plans, I have reviewed the draft Comprehensive Plan to determine whether:

1. The Comprehensive Plan includes an energy element that has the same components as described in 24 V.S.A. §4348a(a)(3) for a regional plan and is confirmed under the requirements of 24 V.S.A. §4350.
2. The Comprehensive Plan is consistent with following State goals:
  - a. Vermont's greenhouse gas reduction goals under 10 V.S.A. § 578(a);
  - b. Vermont's 25 by 25 goal for renewable energy under 10 V.S.A. § 580;
  - c. Vermont's building efficiency goals under 10 V.S.A. § 581;
  - d. State energy policy under 30 V.S.A. § 202a and the recommendations for regional and municipal energy planning pertaining to the efficient use of energy and the siting and development of renewable energy resources contained in the State energy plans adopted pursuant to 30 V.S.A. §§ 202 and 202b (State energy plans); and
  - e. The distributed renewable generation and energy transformation categories of resources to meet the requirements of the Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005.
3. The Comprehensive Plan meets the standards for issuing a determination of energy compliance included in the State energy plans as developed by the Vermont Department of Public Service.

**Staff Review Findings and Comments**

Consistency with the requirements above is evaluated through the Vermont Department of Public Service’s Vermont Department of Public Service’s Energy Planning Standards for Municipal Plans, which is attached to this document and briefly summarized below.

Standard	Met	Not Met	N/A
1. Plan duly adopted and approved			Necessary for final determination
2. Submit a copy of the adopted plan			Necessary for final determination
3. Plan contains an energy element	X		
4. Analysis of resources, needs, scarcities, costs and problems in the municipality across all energy sectors	X		
5.a. Report Current energy use for heating, electricity, and transportation		X	See note below
5.b. Report 2025, 2035 and 2050 targets for energy use	X		
5.c. Evaluation of thermal-sector energy use changes	X		
5.d. Evaluation of transportation-sector energy use changes	X		
5.e. Evaluation of electric-sector energy use changes	X		
6.a. Encourage conservation by individuals and organizations	X		
6.b. Promote efficient buildings	X		
6.c. Promote decreased use of fossil fuels for heat	X		

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6.d. Demonstrate municipal leadership re: efficiency of municipal buildings?	X		
7.a. Encourage increased public transit use	X		
7.b. Promote shift away from single-occupancy vehicle trips	X		
7.d. Promote shift from gas/diesel to non-fossil fuel vehicles?	X		
7.e. Demonstrate municipal leadership re: efficiency of municipal transportation?	X		
8.a. Promote smart growth land use policies	X		
8.b. Strongly prioritize development in compact, mixed use centers	X		
9.a. Report existing renewable energy generation	X		
9.b. Analyze generation potential	X		
9.c. Identify sufficient land to meet the 2050 generation targets	X		
9.d. Ensure that local constraints do not prevent the generation targets from being met	X		
9.e. Include policy statements on siting energy generation	X		
9.f. Maximize potential for generation on preferred sites	X		
9.g. Demonstrate municipal leadership re: deploying renewable energy	X		
10. Include maps provided by CCRPC		X	See note below

**Changes Necessary for a Determination of Energy Compliance**

**Two changes need to be made to the energy chapter to ensure that the standards are met.**

- On pg. 5 of the Energy chapter, “Energy for our Future” states that no data are available for EV ownership in Colchester. We actually do have this datapoint from the Department of Motor Vehicles, and it should be reported in the plan to meet the data standard related to current transportation use (there were 39 EVs registered in Colchester in July 2017).

Please see the attached memo from Sarah Hadd about the PC’s agreed upon changes to the text which may be available online by the time of the PAC meeting.

- The plan’s text discusses state and local constraints, but all state and local constraints also need to be mapped to meet the energy planning standards. The easiest way to do this is to include two additional maps, one of state and local known constraints and one of state and local possible constraints. These maps were provided in the original data package sent to the town in February 2018, and CCRPC can update them and resend them.

Please see the attached memo from Sarah Hadd about the PC’s agreed upon additional maps which may be available online by the time of the PAC meeting.

**Additional Comments/Questions:**

**The edit discussed above is the only changes necessary for the draft plan to be granted an affirmative determination of energy compliance. However, the questions below may be useful as the plan continues to be edits, or in future versions of the plan.**

- In the Land Use section, there are many statements that renewable energy is appropriate if it follows the same standards as commercial and residential development and if it doesn’t detract from the area’s rural character. However, I don’t see definitions of these standards or of rural character, which means these statements about standards for commercial and residential development and rural character may not be

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specific enough to be applied by the Public Utilities Commission, and may create uncertainty for applicants.

- A solar screening bylaw is one clear way to make sure that the same screening standards are applied to solar as to commercial development.
- Page 11 of the natural resources chapter says that the Open Space plan should continue to be used in the development review process (Policy 4). Should this also apply to energy siting?  
Please see the attached memo from Sarah Hadd about the PC's agreed upon changes to the text which may be available online by the time of the PAC meeting.
- A clarification is needed in the introductory text to the preferred site scorecard. On page 13 of the energy chapter, it states that the PUC does not regulate non-net-metering development over 500 kW. This is not entirely accurate – while you're correct that generation facilities over 500 kW don't qualify for net metering, the PUC does still regulate them.
- The overview document for your net metering preferred site scorecard says that the Water Protection Overlay District, the Shoreland Overlay District and the Floodplain District “would not be acceptable at all for net metering.” Are they also definitely not acceptable for other kinds of non-net metering energy generation? This isn't stated as clearly in the main text of your plan, which just states that these districts are “a constraint” to energy development (Energy chapter pg. 11).

**Proposed Motion & Next Steps:**

PROPOSED MOTION: The PAC finds that the draft 2019 Colchester Town Plan meets all statutory requirements for CCRPC approval, and that the municipality's planning process meets all statutory requirements for CCRPC confirmation.

The PAC also finds that the draft 2019 Colchester Town Plan will meet the requirements of the enhanced energy planning standards (“determination”) set forth in 24 V.S.A. §4352 **with the addition of data on current electric vehicle registration and state and local constraint maps.**

Upon notification that the Plan has been adopted by the municipality, CCRPC staff will review the plan, and any information relevant to the confirmation process. If staff determines that substantive changes have been made, the materials will be forwarded to the PAC for review. Otherwise the PAC recommends that the Plan, and the municipal planning process, should be forwarded to the CCRPC Board for approval, confirmation, and an affirmative determination of energy compliance.