

Staff Review of the 2019 Shelburne Vermont Comprehensive Plan, Including Enhanced Energy Plan Review

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Reviewed by the CCRPC Planning Advisory Committee on November 7, 2018

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

Additionally, the Town of Shelburne 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 2019 Shelburne Vermont Comprehensive Plan.

This draft 2019 Shelburne Comprehensive Plan is an update and re-adoption of the 2014 Shelburne Comprehensive Plan, as amended in 2016. 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 Shelburne staff to discuss it in March 2017 as part of an informal review and consultation process. The 2019 Shelburne Comprehensive Plan addresses several new required elements, provides updated data, addresses recent changes to the community and includes an enhanced energy 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 November 15, 2018 hearing on the plan.

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 Shelburne Comprehensive 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 2019 Shelburne Comprehensive 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 2019 Shelburne Comprehensive Plan is consistent with the specific goals of §4302 **with the exception of Goal 6B (see comment below)**. See the attached Appendix A submittal that describes how the Plan is consistent with these goals.

CCRPC Staff & PAC Review – 2019 Shelburne Comprehensive Plan (Enhanced Energy Plan Review)
November 7, 2018 PAC Meeting

3. The 2019 Shelburne Comprehensive 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 2019 Shelburne Comprehensive 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 2019 Shelburne Comprehensive Plan is compatible with the municipal plans for Charlotte, Hinesburg, St. George, Williston and South Burlington.
6. Shelburne has a planning process in place that is sufficient for an approved plan. In addition, Shelburne has provided information about their planning budget and CCRPC finds that Shelburne is maintaining its efforts to provide local funds for municipal and regional planning.

Changes Needed to Meet Statutory Requirements

7. Act 64 became effective in 2015 and added the following to the state planning goals:
(6) (B) Vermont's water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

Shelburne is in both the Northern Lake Champlain Basin and the Winooski Basin, so a reference to both of those Tactical Basin Plans is needed. This could be as simple as adding a reference to the plans in one of your actions, such as Action 2.5, which discusses water quality more broadly.

Additional Comments/Questions:

The format of this plan is unique, with very little text narrative about each topic. However, there is a large amount of data provided in the appendices, as well as dozens of maps showing current conditions. The plan is very focused on implementation items, which often include explanations or relevant context for the related actions. There are multiple places where plans are incorporated by reference to provide additional context and support. In a future draft, it would be useful to have links to these plans in the PDF.

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:

8. 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.
9. 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.

10. 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	
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		
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		

11. Include maps provided by CCRPC	X		
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Changes Necessary for a Determination of Energy Compliance

As drafted, Shelburne’s Comprehensive Plan does not meet 3 of the requirements above. An evaluation of each requirement is included in the attached standards document. The changes needed to meet the requirements are discussed below.

- 12. Municipal enhanced energy plans are required to estimate current energy use across transportation, heating and electric sectors (Standard 5A). The plan as drafted does not contain estimates of current energy use. However, the [energy data guide](#) provided by CCRPC in February 2018 does contain 2015 estimates (Table A1-A5). Including these data will meet this requirement.
- 13. Municipal energy plans are required to report targets for renewable electricity generation (Standard 5B). Meeting this standard requires stating the renewable energy generation target for Shelburne. CCRPC set high and low targets for the county and for each municipality. Shelburne’s targets can be found in the energy data guide provided by CCRPC in February 2018 (Table C3). Based on that analysis Shelburne does have sufficient land for renewable energy development. Current generation is 4,648 MWh annually. The high target for future generation is an additional 42,934 MWh annually by 2050. With just areas defined as “prime solar,” Shelburne could produce an additional 66,835 MWh annually. This area excludes “local constraints” that are included in the ECOS Plan at the Town’s request: significant view areas, archaeologically sensitive areas and the lakeshore buffer. Including this information will meet this requirement.
- 14. Municipal enhanced energy plans are required to evaluate generation from existing renewable energy generation in the municipality (Standard 9A). The plan as drafted does not contain an estimate of existing renewable energy generation. However, the energy data guide provided by CCRPC in February 2018 do contain information on existing generation (Table A6). Including these data will meet this requirement.

Additional Comments/Questions:

The changes discussed above are the only changes necessary for the comprehensive plan to be granted an affirmative determination of energy compliance. However, the changes discussed below would improve the plan’s efficacy.

- 15. Certified municipal enhanced energy plans gain substantial deference for their land use policies. According to 30 VSA §248, “‘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.” This plan includes siting policies regarding proactively weighing in on applications on formerly developed sites that the town supports. Enhanced energy plans are required to have siting policies, and this policy meets that requirement. **However, if the town’s intent is to also identify resource areas where development (including renewable energy generation) should NOT go, CCRPC anticipates the current policy language will not be sufficient.**
 - a. **There are a number of places in the plan where more clarity would be useful in PUC proceedings.** For example, Future Land Use Objective 2 (page 21) is “Identify and exclude from development locations with significant constraints or hazards, including wet or unstable soils, flood hazard areas, and steep slopes. Conserve those resources identified on maps specifically identified in the Natural and Scenic Resources section of this Plan.” This policy would probably be stronger if it defined what wet or unstable soils are/which mapped elements they correspond to, whether the 1% and/or the 0.2% annual chance floodplain are affected, and what percentage of slope is considered a steep slope (all slopes are mapped).

- b. There are a number of places where policies protecting resources are written in a way that specifically excludes the PUC process.** For example, Natural and Scenic Resources and Land Conservation Action 1.4 states "...Require that any subdivision or development of property subject to Act 250 review and containing prime agricultural soils or soils of statewide significance in the Rural District protect, minimize or mitigate the disturbance to those productive soils." Limiting this to Act 250 development seems to exclude this policy from applying to projects before the PUC, which is fine *if* that is the intent.

CCRPC staff can provide additional assistance with these policies if desired.

16. Municipal enhanced energy plans are required to demonstrate the municipality's leadership by example with respect to the efficiency of municipal transportation (Standard 7E). The plan meets this requirement by including a discussion of installing electric vehicle charging infrastructure in municipal parking lots. However, consider strengthening this requirement by discussing possible efficiency upgrades for town-owned vehicles.

Proposed Motion & Next Steps:

PROPOSED MOTION: The PAC finds that the draft 2019 Shelburne Comprehensive Plan, **with the addition of a reference to the Northern Lake Champlain Tactical Basin Plan and the Winooski Tactical Basin 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 Shelburne Comprehensive Plan will meet the requirements of the enhanced energy planning standards ("determination") set forth in 24 V.S.A. §4352 **with the addition of the data described in #10-12 above.**

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 the required data and reference have not been added, or 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.