



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

FROM: CCRPC's Long Range Planning Energy Sub-Committee; Melanie Needle, Senior Planner, CCRPC

DATE: September 26, 2016

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

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Act 174 (signed into law in 2016) requires all regional planning commissions to develop an enhanced regional energy plan that will 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.

Act 174 requires the regional energy plan to meet standards and be approved by the Department of Public Service 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 renewable energy resource maps. These maps are intended to 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 these renewable energy resource maps accurately reflect where municipalities want to encourage renewable energy generation, **CCRPC is asking municipalities to weigh in with their input on local constraints by following the procedure outlined below.**

Two levels of constraint have been preliminarily identified by the State as defined below:

**Level 1 Constraints:** Ecological and physical conditions that would very likely **prevent** the development of renewable energy infrastructure based on existing development constraints and environmental regulations. Level 1 is proposed to include the following state-identified constraints: 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:** Ecological and physical constraints that may make renewable energy generation **less feasible** but do not necessarily prevent development. Level 2 is proposed to include the following

state-identified constraints: Agricultural + Hydric Soils, FEMA Flood Zones, Conserved Land, Deer Wintering Areas, and Habitat Blocks.

Please use these same definitions of level 1 and level 2 constraints to identify municipal level constraints that should be considered for inclusion in developing the energy resource maps.

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. We do recognize that some municipalities are currently undergoing town plan or zoning updates. If you anticipate a constraint being adopted by your municipality as part of a plan or zoning update, please let us know. Please note, as a guideline, that only adopted polices effective by May 2017 may be included.

Two web maps have been prepared for you to help guide your discussion. The draft Wind Energy Resource Web Map can be accessed [here](#) and the draft Solar Energy Resources Web Map can be accessed [here](#).

Each of the web maps contain data on potential energy resource areas before and after constraints are applied. The web maps also include the State-identified level 1 and level 2 constraints developed by the DPS and the Agency of Natural Resources. These state level constraints are subject to change as the DPS is currently drafting energy plan standards for issuing a determination of energy compliance as required under Act 174.

Please submit your comments to us by **November 1, 2016** as we need to submit draft maps to the Department of Public Service in December 2016 for their initial preliminary review of Chittenden County's potential renewable energy resource areas.

If you have questions or comments, please contact Melanie Needle, Senior Planner, by phone: 846-4490 ext. \*27 or email: [mneedle@ccrpcvt.org](mailto:mneedle@ccrpcvt.org)