



**TOWN PLAN REVIEW COMMITTEE**

March 27, 2019

4:00-5:30 pm

CVRPC Offices, 29 Main Street, Suite 4, Montpelier

pages

**AGENDA**

1. **CALL TO ORDER**  
The meeting will be called to order and may include introductions.
2. **CHANGES TO THE AGENDA**  
The Committee may identify and discuss any changes to the agenda.
3. **PUBLIC COMMENTS**  
Time will be provided for members of the public to speak about items not on the agenda.
- 2-25 4. **COMMITTEE PROCESS** – continuation of discussion from last month
  - a) Review and approve the Draft Rules of Procedure, dated February, 2019
  - b) Discuss the RPC's review and consultation regarding a municipal planning efforts:  
Determination of optional municipal energy plan compliance
5. **OTHER BUSINESS**  
As needed.
- 26 7. **APPROVAL OF MINUTES**  
Draft minutes from the January 17, 2019 for consideration of approval.
8. **ADJOURNMENT**  
If there is no additional business the Committee should consider a motion to adjourn.



## MEMO

Date: February 7, 2019

To: Town Plan Review Committee

From: Clare Rock, Senior Planner

Re: Meeting materials for February 12, 2019

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☒ **ACTION REQUESTED: 1) Review the Draft Rules of Procedure, make any changes and recommend approval to the Board of Commissioners, 2) Discuss the Committee's role in review and approval of municipal plans**

**a) Draft Rules of Procedure, dated February 2019**

Attached please find a revised version of the Rules of Procedure. Changes were made based upon last month's discussion.

**b) RPC's review of municipal plan**

**i. Determination of optional municipal energy plan compliance**

Statute (§4352) states that:

*(b) Municipal plan. If the Commissioner of Public Service has issued an affirmative determination of energy compliance for a regional plan that is in effect, a municipal legislative body within the region may submit its adopted municipal plan to the regional planning commission for issuance of a determination of energy compliance. The regional planning commission shall issue an affirmative determination, signed by the chair of the regional planning commission, on finding that the municipal plan meets the requirements of subsection (c) of this section and is consistent with the regional plan.*

*(c) Enhanced energy planning; requirements. To obtain an affirmative determination of energy compliance under this section, a plan must:*

*(1) in the case of a regional plan, include the energy element as described in subdivision 4348a(a)(3) of this title;*

*(2) in the case of a municipal plan, include an energy element that has the same components as described in subdivision 4348a(a)(3) of this title for a regional plan and be confirmed under section 4350 of this title;*

*(3) be consistent with the following, with consistency determined in the manner described under subdivision 4302(f)(1) of this title:*

*(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; and  
(4) meet the standards for issuing a determination of energy compliance included in the State energy plans*

- Also see the attached “Act 174 Energy Standards Overview” and “Energy Planning Standards for Municipal Plans”
- Staff will be prepared to provide a short presentation summarizing the energy plans.
- At the last meeting the Committee agreed they didn’t need to receive a copy of the completed checklist for town plan requirements. Would the committee like to receive a copy of the completed Energy Checklist? Or just a staff summary?
- Should the towns be required to fill in the Energy Checklist and provide to the RPC along with their request for plan approval?
- To view Title 24 Chapter 117: Municipal and Regional Planning and Development statutory requirements in their entirety check out: <https://legislature.vermont.gov/statutes/title/24>



## TOWN PLAN REVIEW COMMITTEE

### *RULES OF PROCEDURE*

February 2019

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**PURPOSE:** The Town Plan Review Committee (the Committee) serves in an advisory capacity to the CVRPC Board of Commissioners in the review and approval of member municipalities plans as specified within 24 VSA Chapter 117 [§4350\(b\)-\(b\)\(2\)](#) and [§4352\(b\) and \(c\)](#) of Vermont Statute. The primary purpose of the Committee is to

1. Upon request by the municipality, review municipal plans for consistency with the state planning goals as included within [§4302](#); compatibility with the regional plan; compatibility with approval plans of other municipalities; and contains all the required elements as included within [§4382](#) (as per [§4350\(b\)\(1\)](#)).
2. Upon request by the municipality, review municipal plans for consistency with the municipal enhanced energy planning requirements (as per [§4352\(c\)](#)).
3. Solicit input from staff and municipalities as needed to gather information.
4. Provide guidance to municipalities regarding future municipal plan updates and ways to strengthen their planning efforts.
5. Provide a recommendation to the Commissioners regarding a municipality's planning efforts and consistency with state statute.

**ADVISORY ROLE:** The Committee shall be advisory to the Board of Commissioners and shall provide a recommendation to the Commissioners regarding a municipality's planning efforts and consistency with state statute. The Committee may offer advice, input, and opinions to municipalities, consistent with plans, policies, positions or resolutions adopted by the Board of Commissioners. The advice, input, and opinions provided by the Committee may be reviewed, confirmed or reversed by the CVRPC Board of Commissioners at the Board's discretion

**MEMBERSHIP:** The Committee shall consist of five (5) representatives of the Board of Commissioners who serve one year terms and are appointed annually.

**OFFICERS/ELECTIONS:** The Committee will elect a Chairperson and Vice-Chairperson at the first meeting following the annual appointment by the Board of Commissioners. The Chair will be responsible for running meetings, setting agendas in conjunction with staff, and representing the

Committee at various meetings as needed. The Vice-Chair will provide support to the Chair as needed. If the Chair or Vice-Chair should resign before his/her term is expired, an interim election shall be held within two meetings.

**ATTENDANCE AND QUORUMS:** Members are encouraged to attend all regular meetings and special meetings as they arise. A quorum shall consist of a majority of the voting members.

**COMMUNICATION AND COORDINATION:**

- ◆ Meetings shall be noticed and held in accordance with Vermont Open Meeting Law; Public Hearings for municipal plan review shall also be held in accordance with §4350(b)(1).
- ◆ Hearings and meeting will take place in a central location within the region-
- ◆ Draft policies and resolutions shall be forwarded to Committee members and interested/affected parties for comment before a recommendation by the Committee for final action/approval by the Board of Commissioners.
- ◆ Minutes of all regular and special meetings will be prepared by staff, distributed to Committee members and interested parties, and made available to the public in accordance with open meeting and public records law described in 1 VSA.
- ◆ The Committee will report on committee discussions or activities to the Board of Commissioners on a regular basis.
- ◆ Committee members are encouraged to offer input on all matters before the Committee, and are encouraged to bring up items of local or regional concern for Committee consideration.

**CONFLICT OF INTEREST:** In the event any Committee member has a personal or financial interest with any individual, partnership, firm or corporation seeking to contract with the CVRPC, or to provide materials or labor thereto, or has a personal or financial interest in any matter being considered by the Committee, the member shall state on the record the nature of his or her interest. If the member is uncertain whether he/she should participate in the discussion or decision, the Committee shall determine by vote whether the member should participate. The Committee may also make a determination of conflict if the majority of voting Committee TPRC members in attendance at the meeting determine a conflict of interest exists. A member of the Committee with an identified conflict of interest shall not deliberate or vote with the Committee but may participate in the open public discussion.

**ADOPTION OF ORGANIZATIONAL PROCEDURES:** The Committee may, at any time, vote to amend these procedures, in accordance with quorum requirements noted above. Proposed amendments will be forwarded to Committee members before consideration at a regular

Committee meeting. Amendments will then be forwarded to the Board of Commissioners for ratification.

The Committee is a standing committee of the Regional Planning Commission, and is therefore subject to the Commission's bylaws. As such, these Rules of Procedure, combined with the Central Vermont Regional Planning Commission's bylaws and Robert's Rules of Order, provide procedural and administrative guidance for the TPRC.

Adopted by the Board of Commissioners: \_\_\_\_\_ / \_\_\_\_\_ / 2019

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Julie Potter, Chair  
CVRPC Board of Commissioners

DRAFT

# Introduction to the Act 174 Regional and Municipal Energy Planning Standards

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## What is Act 174?

Vermont has a long history of both land use and energy planning. As Vermont has experienced the growth in renewable energy generation as one of the state's largest new land uses, the need for integration of energy planning with land use planning has grown. Both the Governor's [Energy Generation Siting Policy Commission](#) (2013) and the [Solar Siting Task Force](#) (2015) recommended establishing a paradigm of enhanced energy planning integrated with land use planning. Informed by those recommendations, [Act 174 of 2016](#) establishes a new set of municipal and regional energy planning standards, which if met allow those plans to carry greater weight in the siting process for energy generation.

## Integrated Land Use & Energy Planning

Towns and regions have experience with, and see the direct local impacts of, land use planning. This includes planning for shared and beneficial infrastructure of many kinds, such as roads and industrial and commercial developments. Energy infrastructure, including generators, similarly serves a public purpose, while also creating both costs and benefits that are not distributed evenly.

Energy planning is not just about electricity generation, however. Over half of Vermont's energy use is for heat and transportation, and local and regional decisions regarding buildings, roads, and other built infrastructure also have significant energy implications. For example, building a home or commercial building in a particular location will have implications for the energy required to travel to and from that building for decades. Given the pressing economic and environmental challenges associated with the use of fossil fuels, all aspects of planning must be undertaken with energy implications in mind.

Municipal and regional planning that addresses all of these factors will improve Vermonters' quality of life. Act 174 provides an opportunity for regions and municipalities – from the planning commissions and selectboards to energy committees and citizens – to shape and inform their own energy future, as well as the energy future of the entire state.

## Voluntary Process

Act 174 expands the basic requirements for regional energy planning, but its primary thrust is voluntary: municipalities and regions which plan to the enhanced standard envisioned by the Act will receive substantial deference before the Public Service Board with respect to both land conservation measures and specific policies included in their plans, when the Board looks at the orderly development criterion. Municipalities and regions that do not have enhanced plans continue to receive due consideration for those plans.

In order to demonstrate that enhanced energy plans meet the bar for receiving substantial deference, the plans must be judged against a set of published standards. These standards are designed to allow municipalities and regions to show that their plans have taken a close look at energy in their community, have considered energy used for buildings and transportation, analyzed their current and future energy

use, and planned carefully in alignment with state energy policy for the land use needs of energy generation.

As is the case for all elements of regional plans, municipalities may adopt all or a portion of their regional plan as part of their municipal plan. However, because the roles of municipal and regional plans are different, there are distinct standards for regional and municipal plans that must still be met if this approach is adopted. It is anticipated that even if this approach is not taken, regions and municipalities will work hand-in-hand to develop complementary plans, and that regions will provide technical assistance (including analyses and maps that meet the standards) to their municipalities.

### Substantial Deference

Substantial deference as defined by Act 174, and used in the Section 248 process, provides towns and regions a strong voice in determining where energy projects should, and should not, be sited. The Act defines substantial deference as: “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.” Note that this definition is more specific than that used in Section 248a proceedings regarding communication facilities (such as cellular telephone towers), which allows plans’ land conservation measures to be overcome by “good cause to find otherwise.” Substantial deference in the Section 248 process does not, however, mean that the municipal or regional plan carries the weight of zoning or permitting; zoning bylaws may not regulate projects regulated under Section 248.

### Plan Review

The Department of Public Service is required to evaluate regional plans submitted for a determination of energy compliance against the standards published here. In regions in which the regional plan has received an affirmative determination, the regional planning commission is then expected to evaluate municipal plans. Municipal plans must have been approved by their regional planning commission in order to be eligible for an affirmative determination. Until July 1, 2018, municipalities located in regions that have not received an affirmative determination may submit their plans directly to the Department of Public Service for a determination. In the event of an appeal of the Department’s decision to deny a determination to a region (or, until July 1, 2018, a municipality), the Natural Resources Board will hear the appeal.

### What are “Determination Standards for Energy Compliance?”

The attached regional and municipal determination standards are constructed as a checklist-based application form. It is the Department’s hope that by structuring the standards in this way, municipalities and regions will be able to clearly make the case for a determination on the same structure that the Department and regions will use to evaluate them. The standards measure whether the submitted plan meets the statutory requirements for enhanced energy planning and demonstrates local commitment toward meeting the state’s energy goals.

When submitting a plan for determination, a municipality or region will address each item on the checklist in turn, marking it as Yes, No, or (when available) Not Applicable. If Not Applicable is not available as an option, the standard must be marked “Yes” in order for the plan to receive an affirmative determination of energy compliance (unless the instructions under the standard itself indicate



otherwise). If Not Applicable is checked (when available), the region or municipality should provide a reasonable justification in the Notes column. The checklist provides an opportunity to identify the specific location(s) within the plan that the Department or region should refer to when verifying that the plan meets the standards. There is also an opportunity for the submitting town or region to provide additional explanatory notes.

#### Energy Element in the Context of the Whole Plan

Given the pervasive nature and impact of energy on other land uses and resources, and their impact on energy, the determination standards are generally considered to apply to the entirety of the submitted plan, not only to the energy element. For example, land use planning that guides future development has an impact on transportation energy use, so the determination standards need to review those land use elements. In practice, regional plans and municipal plans that have been approved by their RPC are likely to have many of the components outside of the energy element already in place, and most (if not all) amendments to meet the standards are likely to be made in the energy element. The review in the standards context will focus on consistency (demonstrated through cross-referencing) between the enhanced energy element and the remainder of the plan, which should also be of importance to planners in the context of how the plan will be used in the Section 248 process (which references “land conservation measures and specific policies”).

#### Standards Structure

The standards are divided into three parts: Analysis & Targets, Pathways, and Mapping. Analysis & Targets standards are meant to demonstrate the town’s or region’s understanding of the magnitude of the changes in the energy sector that will be required to meet the state’s energy and climate goals, and to create waypoints between the present and the planned-for future. Pathways, or Implementation Actions, provide an opportunity for the identification of specific strategies and actions to meet targets that are appropriate for regions or towns and consistent with the actions required to meet statewide goals. Mapping turns the attention to the overlap of energy infrastructure planning with land use planning in the context of the targets, including the generation potential for electricity and other useful energy from various sources. Plans are required to identify potential areas for the development and siting of renewable energy resources and are also expected to identify any unsuitable areas. This geographic analysis will enable the comparison of the energy that can be generated on potential and preferred sites with the energy required to meet energy goals over time. Given that siting decisions depend on the independent actions of developers and landowners, plans are expected to show that potential sites significantly exceed the required area to meet state goals.

#### Regional Energy Planning Underway

Each of the expected planning evaluation components is reflected in planning work already underway by the regions under contract to the Department. This work provides a foundation and a head start both for the finalization of regional plans and for municipalities as they begin their enhanced planning activity. The Department hopes that municipalities will work closely with their regions in order to increase consistency and compatibility and to reduce total planning effort.

As discussed below, the Department expects to publish guidance to accompany these standards shortly after final publication. In the meantime, text in *italics* in the standards provides context that will eventually move into the separate guidance document.

### Importance of Plans in Net Metering

There is the possibility of a useful nexus between the municipal planning required for a determination of energy compliance and the [Public Service Board's proposed net metering rule](#) (PSB Rule 5.100), which will become effective at the start of 2017. That rule establishes a financial incentive for 15-500 kW generators to be located on preferred sites, and one of the ways a site may be identified as preferred is if it is identified in the town plan. Town-designated preferred sites may be one of the few pathways to develop projects larger than 150 kW. The combination of the updated Rule 5.100 and the mapping that towns will do as part of enhanced energy planning could give towns a significant ability to shape where net metering development happens. On a more general level, towns and regions that identify preferred, potential, and unsuitable sites will provide a green/yellow/red signal to developers regarding the challenges of developing on particular sites.

### Recommendations

Along with the determination standards, the Department is also publishing a set of recommendations from the [2016 Comprehensive Energy Plan](#) (CEP), tailored to local and regional action. In order to receive a determination of energy compliance, a municipal or regional plan must be consistent with 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. 14 §§ 202 and 202b." The "State energy plans" are contained in the 2016 CEP, but at the time of its drafting the CEP was not crafted with this use in mind. As a result, certain general recommendations that apply to all levels of government, and to the public as a whole, were not specifically identified as pertaining to regional or municipal energy planning. In order to address this mismatch, these standards are accompanied by this modified set of CEP recommendations, which are expected to be expanded upon in the guidance discussed below.

Future CEPs will have these recommendations integrated directly and identified specifically, at which point they will become more integrated with the standards. The state updates its Comprehensive Energy Plan every six years, while municipal and regional plans are updated every eight years. Town and regional planning conducted before the next CEP is developed (in 2021-2) will inform both the determination standards accompanying that plan and the recommendations of the plan itself.

### Training & Technical Assistance; Guidance

Following the publication of the final standards and recommendations by November 1, 2016, the Department will produce guidance materials for municipalities and regions. This guidance will flesh out components of the standards, provide example strategies and actions, and include example plan text.

Act 174 provides funding for RPCs to provide technical assistance to municipalities which choose to pursue enhanced energy planning. This will include at least two training opportunities in each region. Regions will also be providing additional resources:

- Regions will provide town-specific analyses and maps that will enable municipalities to easily meet the Analysis & Targets and Mapping standards if used;
- Regions will be offering in-depth technical assistance to at least three towns apiece

- Regions will be compiling best practice language from those efforts, which will aid municipalities in meeting the Pathways standards.

# Energy Planning Standards for Municipal Plans

## Instructions

Before proceeding, please review the requirements of Parts I and II below, as well as the Overview document. Submitting a Municipal Plan for review under the standards below is entirely voluntary, as enabled under [Act 174](#), the Energy Development Improvement Act of 2016. If a Municipal Plan meets the standards, it will be given an affirmative “determination of energy compliance,” and will be given “substantial deference” in the Public Service Board’s review of whether an energy project meets the orderly development criterion in the Section 248 process. Specifically, with respect to an in-state electric generation facility, the Board:

*[S]hall give substantial deference to the land conservation measures and specific policies contained in a duly adopted regional and municipal plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352. In this subdivision (C), “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. The term shall not include consideration of whether the determination of energy compliance should or should not have been affirmative under 24 V.S.A. § 4352.*

Municipal Plans should be submitted by the municipality’s legislative body to the Regional Planning Commission (RPC) if the Regional Plan has received an affirmative determination of energy compliance. If a Regional Plan has not received such a determination, until July 1, 2018<sup>1</sup>, a municipality may submit its adopted and approved Municipal Plan to the Department of Public Service (DPS) for a determination of energy compliance (determination), along with the completed checklist below. After a Municipal Plan and completed checklist have been submitted to the RPC (or DPS), the RPC or DPS will schedule a public hearing noticed at least 15 days in advance by direct mail to the requesting municipal legislative body, on the RPC or DPS website, and in a newspaper of general publication in the municipality. The RPC or DPS shall issue a determination in writing within two months of the receipt of a request. If the determination is negative, the RPC or DPS shall state the reasons for the denial in writing and, if appropriate, suggest acceptable modifications. Submissions for a new determination following a negative determination shall receive a new determination within 45 days.

The plans that Municipalities submit must:

- Be adopted
- Be confirmed under 24 V.S.A. § 4350
- Include an energy element that has the same components as described in 24 V.S.A. § 4348a(a)(3)
- Be consistent with state energy policy (described below), in the manner described in 24 V.S.A. § 4302(f)(1)
- Meet all standards for issuing a determination of energy compliance (see below)

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<sup>1</sup> These standards will be revised after July 1, 2018 to reflect that Municipal Plans should be submitted only to the Regional Planning Commissions – which will all have had an opportunity to seek a determination of energy compliance – from that point forward.

Municipalities are encouraged to consult with their reviewer (either their RPC or DPS) before undertaking the process of plan adoption, which may help in identifying any deficiencies or inconsistencies with the standards or other requirements that would be more difficult to remedy after a plan has gone through the formal adoption process.

The state's Comprehensive Energy Plan (CEP) is revised on a 6-year basis. When the next CEP is published in 2022, it will include a revised set of standards, as well as Recommendations that are customized to regions and municipalities. The Recommendations that accompany this initial set of Standards represent a subset of recommendations from the 2016 CEP, which were not written with regions and municipalities specifically in mind. A Guidance document – which is expected to evolve as best practices from regions and municipalities emerge – will be published shortly after the Standards are issued. It will serve as the warehouse for relevant recommendations from the 2016 CEP, links to data sources, instructions on conducting analysis and mapping, and sample language/best practices. Once issued and until the 2022 CEP is published, this Guidance document will supplant the Recommendations document.

Affirmative determinations last for the life cycle of a revision of the Municipal Plan, and Municipal Plans that are submitted after the 2022 CEP is issued will be expected to meet the Standards that are issued at that time. Municipalities are encouraged to consult with their RPC or DPS regarding interim amendments that might affect any of the standards below, to discuss whether a new review is triggered.

If you wish to submit your Municipal Plan to your RPC or to DPS for a determination, please read closely the specific instructions at the start of each section below, and attach your Municipal Plan to this checklist.

Determination requests to an RPC (and any other questions) should be submitted to your RPC's designated contact. Determination requests to DPS until July 1, 2018 – and only for municipalities whose Regions' plans have not received an affirmative determination – should be submitted to:

[PSD.PlanningStandards@vermont.gov](mailto:PSD.PlanningStandards@vermont.gov).

Part I: Applicant Information		
<b>The plan being submitted for review is a:</b>	<input type="checkbox"/> Municipal Plan in a region whose regional plan has received an affirmative determination of energy compliance from the Commissioner of Public Service  <b>Please submit these plans to your RPC</b>	<input type="checkbox"/> Municipal Plan in a region whose regional plan has <u>not</u> received a determination of energy compliance  <b>Until July 1, 2018, please submit these to the DPS. After July 1, 2018, this option ceases to exist.</b>
<b>Applicant:</b>		
<b>Contact person:</b>		
<b>Contact information:</b>		
<b>Received by:</b>	<b>Date:</b>	

## Part II: Determination Standards Checklist

The checklist below will be used to evaluate your plan's consistency with statutory requirements under Act 174, including the requirement to be adopted and approved, contain an enhanced energy element, be consistent with state energy policy, and meet a set of standards designed to ensure consistency with state energy goals and policies.

Please review and attach your plan (or adopted energy element/plan, along with supporting documentation) and self-evaluate whether it contains the following components. Use the Notes column to briefly describe how your plan is consistent with the standard, including relevant page references (you may include additional pages to expand upon Notes). If you feel a standard is not relevant or attainable, please check N/A where it is available and use the Notes column to describe the situation, explaining why the standard is not relevant or attainable, and indicate what measures your municipality is taking instead to mitigate any adverse effects of not making substantial progress toward this standard. If N/A is not made available, the standard must be met (unless the instructions for that standard indicate otherwise) and checked "Yes" in order to receive an affirmative determination. There is no penalty for checking (or limit on the number of times you may check) N/A where it is available, as long as a reasonable justification is provided in the Notes column.

### Plan Adoption Requirement

[Act 174](#) requires that municipal plans be adopted and approved in order to qualify for a determination of energy compliance. In the near term, it is likely municipalities will revise and submit isolated energy plans or elements, particularly due to long planning cycles. Therefore, the plan adoption requirement can be met through an amendment to an existing plan in the form of an energy element or energy plan, as long as the amendment or plan itself is duly adopted as part of the municipal plan and incorporated by reference or appended to the underlying, full plan (i.e., is officially "in" the municipal plan), as well as approved for confirmation with the region. If this route is chosen, the municipality should also attach the planning commission report required for plan amendments under 24 V.S.A. § 4384, which should address the internal consistency of the energy plan/element with other related elements of the underlying plan (particularly Transportation and Land Use), and/or whether the energy plan/element supersedes language in those other elements. Standards 1 and 2 below must be answered in the affirmative in order for a plan to receive an affirmative determination of energy compliance.

1. Has your plan been duly adopted and approved for confirmation according to <a href="#">24 V.S.A. § 4350</a> ?	<input type="checkbox"/> Yes. Adoption date: _____ Confirmation date: _____	<input type="checkbox"/> No	
2. Is a copy of the plan (or adopted energy element/plan, along with underlying plan and planning commission report addressing consistency of energy element/plan with other elements of underlying plan) attached to this checklist?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

## Energy Element Requirement

To obtain a determination of energy compliance, Act 174 requires municipalities to include an “energy element” that contains the same components described in 24 V.S.A. § 4348a(a)(3), which was revised through Act 174 to explicitly address energy across all sectors and to identify potential and unsuitable areas for siting renewable energy resources:

*An energy element, which may include an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.*

The standards below are generally organized to integrate each component of the enhanced energy element with related determination standards that evaluate the plan’s consistency with state goals and policies. **Energy element components are identified in bolded text.**

While municipalities may choose to primarily address energy used for heating, transportation, and electricity in the required energy element, they may also choose to address some of these components in related plan elements (e.g., Transportation and Land Use) and should indicate as much in the Notes column. To the extent an energy element is designed to comprehensively address energy, it should be complementary to and reference other relevant plan elements.

<p><b>3. Does the plan contain an energy element, that contains the same components described in 24 V.S.A. § 4348a(a)(3)?</b>  <i>Individual components of the energy element will be evaluated through the standards below.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____
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## Consistency with State Goals and Policies Requirement

Act 174 states that regional and municipal plans must be consistent with the following state goals and policies:

- Greenhouse gas reduction goals under [10 V.S.A. § 578\(a\)](#) (50% from 1990 levels by 2028; 75% by 2050)
- The 25 x 25 goal for renewable energy under [10 V.S.A. § 580](#) (25% in-state renewables supply for all energy uses by 2025)
- Building efficiency goals under [10 V.S.A. § 581](#) (25% of homes – or 80,000 units – made efficient by 2020)
- State energy policy under [30 V.S.A. § 202a](#) and the recommendations for regional and municipal 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](#)
- 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](#)

The standards in the checklist below will be used to determine whether a plan is consistent with these goals and policies. The standards are broken out by category. *Analysis and Targets* standards address how energy analyses are done within plans, and whether targets are established for energy conservation, efficiency, fuel switching, and use of renewable energy across sectors. *Pathways (Implementation Actions)* standards address the identification of actions to achieve the targets. *Mapping* standards address the identification of suitable and unsuitable areas for the development of renewable energy.

Municipalities may choose to incorporate the information necessary to meet the standards in their energy elements, and/or in other sections of their plans (many transportation items may fit best in the Transportation chapters of plans, for instance). However, plans must be internally consistent, and applicants should cross-reference wherever possible.

### Analysis and Targets Standards

For the *Analysis & Targets* determination standards below, municipalities will be provided with analyses and targets derived from regional analyses and targets no later than April 30, 2017 (and likely much sooner). Municipalities may choose to rely on these “municipalized” analyses and targets to meet the standards in this section. Municipalities which elect to use the analysis and targets provided by a region will be presumed to have met the standards in this section. Alternatively, municipalities may develop their own custom analyses and targets or supplement the analyses and targets provided by the regions with specific local data; if this option is chosen, the analysis and targets must include all of the same components and meet the standards required of regions, as described below.

For municipalities that choose to undertake their own analysis and target-setting (and for regions), DPS is providing a guidance document to explain the expected level of detail in and data sources and methodologies available for meeting the standards (including areas where it is understood data at the municipal level is unavailable, and therefore not expected). Note that standards 5A-4E are all derived directly from requirements in Act 174 (with minor modifications to make them feasible) and must be met affirmatively in order for a municipal plan to receive an affirmative determination of energy compliance.

Targets set by regions and municipalities should be aligned with state energy policy (see the goals and policies listed above). Where targets (and efforts to reach them) depart significantly from state energy goals and policies, an explanation for how the plan otherwise achieves the intent of the state goal or policy should be provided. The guidance document also offers additional clarification on alignment with state goals and policies.

The analysis items below are intended to provide regions and municipalities with an overview of their current energy use, and with a sense of the trajectories and pace of change needed to meet targets, which can be translated into concrete actions in the *Pathways* standards below. Targets provide regions and municipalities with milestones or checkpoints along the way toward a path of meeting 90% of their total energy needs with renewable energy, and can be compared with the potential renewable energy generation from areas identified as potentially suitable in the *Mapping* standards exercise below to give regions and municipalities a sense of their ability to accommodate renewable energy that would meet their needs.

4. Does your plan’s energy element contain an analysis of resources, needs, scarcities, costs, and problems within the municipality across all energy sectors (electric, thermal, transportation)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____
5. Does your plan contain an analysis that addresses A-E below, either as provided by your Regional Planning Commission or as developed by your municipality? <i>Municipalities may meet this standard by using the analysis and targets provided by their regions, or by developing their own analyses and targets. If using the analysis &amp; targets provided by your region, please answer “Yes-Region” and skip ahead to #6. If</i>	<input type="checkbox"/> Yes-Region <input type="checkbox"/> Yes-Custom	<input type="checkbox"/> No	Page: _____ Paragraph #: _____



<i>developing a custom analysis, please answer “Yes-Custom” and address 5A-5E separately, below.</i>			
A. Does the plan estimate current energy use across transportation, heating, and electric sectors?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
B. Does the plan establish 2025, 2035, and 2050 targets for thermal and electric efficiency improvements, and use of renewable energy for transportation, heating, and electricity?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
C. Does the plan evaluate the amount of thermal-sector conservation, efficiency, and conversion to alternative heating fuels needed to achieve these targets?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
D. Does the plan evaluate transportation system changes and land use strategies needed to achieve these targets?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
E. Does the plan evaluate electric-sector conservation and efficiency needed to achieve these targets?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____

### Pathways (Implementation Actions) Standards

This section examines whether plans meet the Act 174 expectation that they include pathways and recommended actions to achieve the targets identified through the *Analysis and Targets* section of the Standards (above). Plans are expected to include or otherwise address all of the pathways (implementation actions) below; some actions may not be applicable or equally relevant to all applicants (small vs. large municipalities, for instance), in which case N/A may be checked (if available) and the justification provided in the Notes column. There is no penalty for choosing N/A one or more times, as long as a reasonable justification is provided in the Notes column, preferably including an explanation of how the plan alternatively achieves attainment of the targets should be included. If N/A is not provided as an option, the standard must be met, and “Yes” must be checked, in order for the plan to meet the requirements for a determination (unless the instructions particular to that standard indicate otherwise).

DPS will be issuing a guidance document in the near term providing potential implementation actions derived from the Comprehensive Energy Plan (relevant formal Recommendations as well as opportunities not specifically called out as Recommendations), from recent regional and municipal plans, and from other sources. The guidance document will be revised after the regions have compiled best practices from early municipalities pursuing energy planning to seek a determination of energy compliance, in the summer of 2017.

For the time being, we offer potential implementation action options for consideration as italicized text under each standard. Plans are encouraged to promote as diverse a portfolio of approaches as possible in each sector, or if not, to explain why they take a more targeted approach. Implementation actions may fit best in a holistic discussion contained within a plan’s energy element, though cross-referencing to other relevant plan elements is also acceptable.

Municipalities must demonstrate a commitment to achieving each standard in both policies and implementation measures in clear, action-oriented language.

<b>6. Does your plan's energy element contain a statement of policy on the conservation and efficient use of energy?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
A. Does the plan encourage conservation by individuals and organizations? <i>(Actions could include educational activities and events such as convening or sponsoring weatherization workshops, establishing local energy committees, encouraging the use of existing utility and other efficiency and conservation programs and funding sources, etc.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
B. Does the plan promote efficient buildings? <i>(Actions could include promoting compliance with residential and commercial building energy standards for new construction and existing buildings, including additions, alterations, renovations and repairs; promoting the implementation of residential and commercial building efficiency ratings and labeling; considering adoption of stretch codes, etc.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
C. Does the plan promote decreased use of fossil fuels for heating? <i>(Actions and policies could promote switching to wood, liquid biofuels, biogas, geothermal, and/or electricity. Suitable devices include advanced wood heating systems and cold-climate heat pumps, as well as use of more energy efficient heating systems; and identifying potential locations for, and barriers to, deployment of biomass district heating and/or thermal-led combined heat and power systems in the municipality)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
D. Does the plan demonstrate the municipality's leadership by example with respect to the efficiency of municipal buildings? <i>(Actions could include building audits and weatherization projects in schools and town offices, etc.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
E. Other (please use the notes section to describe additional approaches that your municipality is taking)	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
7. Does your plan's energy element contain a statement of policy on reducing transportation energy demand and single-occupancy vehicle use, and encouraging use of renewable or lower-emission energy sources for transportation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
A. Does the plan encourage increased use of public transit? <i>(Actions could include participation in efforts to identify and develop new public transit routes, promote full utilization of existing routes, integrate park-and-rides with transit routes, etc.)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
B. Does the plan promote a shift away from single-occupancy vehicle trips, through strategies appropriate to the municipality?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____

<i>(Actions could include rideshare, vanpool, car-sharing initiatives; efforts to develop or increase park-and-rides; enhancement of options such as rail and telecommuting; education; intergovernmental cooperation; etc.)</i>			
<p>C. Does the plan promote a shift away from gas/diesel vehicles to electric or other non-fossil fuel transportation options through strategies appropriate to the municipality?</p> <p><i>(Actions could include promoting the installation of electric vehicle charging infrastructure, providing education and outreach to potential users, supporting non-fossil fuel vehicle availability through outreach to vehicle dealers, etc.)</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
<p>D. Does the plan facilitate the development of walking and biking infrastructure through strategies appropriate to the municipality?</p> <p><i>(Actions could include studying, planning for, seeking funding for, or implementing improvements that encourage safe and convenient walking and biking; adopting a "Complete Streets" policy, etc.)</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
<p>E. Does the plan demonstrate the municipality's leadership by example with respect to the efficiency of municipal transportation?</p> <p><i>(Actions could include purchasing energy efficient municipal and fleet vehicles when practicable, installing electric vehicle charging infrastructure, etc.)</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
<p>F. Other (please use the notes section to describe additional approaches that your municipality is taking)</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
<p><b>8. Does your plan's energy element contain a statement of policy on patterns and densities of land use likely to result in conservation of energy?</b></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
<p>A. Does the plan include land use policies (and descriptions of current and future land use categories) that demonstrate a commitment to reducing sprawl and minimizing low-density development?</p> <p><i>(Actions could include adopting limited sewer service areas, maximum building sizes along highways, policies or zoning that require design features that minimize the characteristics of strip development [multiple stories, parking lot to the side or back of the store], and requirements that development in those areas be connected by means other than roads and cars; adopting a capital budget and program that furthers land use and transportation policies; etc.)</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
<p>B. Does the plan strongly prioritize development in compact, mixed-use centers when physically feasible and appropriate to the use of the development, or identify steps to make such compact development more</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____

feasible? <i>(Actions could include participating in the state designation program, such as obtaining state designated village centers, downtowns, neighborhoods, new town centers, or growth centers; exploration of water or sewage solutions that enable compact development; etc.)</i>			
C. Other (please use the notes section to describe additional approaches that your municipality is taking)	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
<b>9. Does your plan's energy element contain a statement of policy on the development and siting of renewable energy resources?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
A. Does the plan evaluate (estimates of or actual) generation from existing renewable energy generation in the municipality? <i>Municipalities should be able to obtain this information from their regions.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
B. Does the plan analyze generation potential, through the mapping exercise (see <i>Mapping</i> standards, below), to determine potential from preferred and potentially suitable areas in the municipality? <i>Municipalities should be able to obtain this information from their regions.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
C. Does the plan identify sufficient land in the municipality for renewable energy development to reasonably reach 2050 targets for renewable electric generation, based on population and energy resource potential (from potential resources identified in the <i>Mapping</i> exercise, below), accounting for the fact that land may not be available due to private property constraints, site-specific constraints, or grid-related constraints? <i>If N/A, please describe how you are working with your regional planning commission to ensure overall regional objectives are achieved.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
D. Does the plan ensure that any local constraints (locally designated resources or critical resources, from 12B and 12C under <i>Mapping</i> , below) do not prohibit or have the effect of prohibiting the provision of sufficient renewable energy to meet state, regional, or municipal targets? <i>If N/A, please describe how you are working with your regional planning commission to ensure overall regional objectives are achieved.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
E. Does the plan include statements of policy to accompany maps (could include general siting guidelines), including statements of policy to accompany any preferred, potential, and unsuitable areas for siting generation (see 12 and 13 under <i>Mapping</i> , below)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
F. Does the plan maximize the potential for renewable generation on preferred locations (such as the categories outlined under 12E in the <i>Mapping</i> standards, below)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____

G. Does the plan demonstrate the municipality's leadership by example with respect to the deployment of renewable energy? (Actions could include deploying renewable energy to offset municipal electric use, etc.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
H. Other (please use the notes section to describe additional approaches that your municipality is taking)	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____

### Mapping Standards

Act 174 requires plans to identify potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources. It furthermore requires that the standards address the potential generation from the potential siting areas.

The *Mapping* standards lay out a sequence of steps for planners to examine existing renewable resources and to identify potential (and preferred) areas for renewable energy development, and to identify likely unsuitable areas for development, by layering constraint map layers on to raw energy resource potential map layers. The maps should help municipalities visualize and calculate the potential generation from potential areas, and compare it with the 2025, 2035, and 2050 targets from the *Analysis and Targets* standards to get a sense of the scale and scope of generation that could be produced within the region to meet the municipality's needs. DPS will provide additional guidance to accompany the standards that fleshes out the steps, layers, and standards more fully.

Plans must include maps that address all of the standards below, unless N/A is provided as an option, in which case a compelling reason why the standard is not applicable or relevant should be provided in the Notes column. Regions must develop their own maps (already underway through support being provided to regions by DPS), and to then break out the maps for their municipalities, who can use their region-provided maps to meet the municipal *Mapping* standards (such "municipalization" work is being supported through a training & technical assistance contract between DPS and regions, and all regions must supply completed maps to their municipalities by April 30, 2017, though many are expected to do so much sooner).

Municipalities may choose to rely on the maps provided by the regions to meet the standards in this section. Those maps should be somewhat familiar to municipalities, who are expected to be consulted as regions develop their maps. Alternatively, municipalities may choose to undertake their own mapping, according to the same set of standards as regions. Additionally, municipalities are expected to work collaboratively with their regions and with neighboring municipalities to ensure compatibility between the final products.

The map and the text describing the policies or rules used to construct the map, as well as the text describing specific policies applicable to map features, should be complementary. That should help ensure that any "land conservation measures and specific policies" that might be given substantial deference in the context of a particular project review under 30 V.S.A. § 248 are clearly identifiable in the text, should a map lack sufficient clarity or granularity regarding the area in which a project is proposed.

10. Does your plan contain one or more maps that address 11-13 below, as provided by your Regional Planning Commission or as developed by your municipality?	<input type="checkbox"/> Yes-Region	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
--	-------------------------------------	-----------------------------	-----------------------------------

<p><i>Municipalities may meet this standard by using the maps provided by their regions, or by developing their own maps. If using the maps provided by your region, please answer "Yes-Region" and skip ahead to #14. If developing custom maps, please answer "Yes-Custom" and address 11-13 separately, below.</i></p>	<input type="checkbox"/> Yes- Custom		
<p>11. Does the plan identify and map existing electric generation sources? Maps may depict generators of all sizes or just those larger than 15 kW, as long as information on generators smaller than 15 kW is summarized and provided or referenced elsewhere. It is expected that the best available information at the time of plan creation will be used. This information is available from the DPS.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
<p>12. Does the plan identify potential areas for the development and siting of renewable energy resources and the potential generation from such generators in the identified areas, taking into account factors including resource availability, environmental constraints, and the location and capacity of electric grid infrastructure? Maps should include the following (available from VCGI and ANR), and the resulting Prime and Secondary Resource Maps will together comprise "potential areas":</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
<p>A. Raw renewable energy potential analysis (wind and solar), using best available data layers (including LiDAR as appropriate)</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
<p>B. Known constraints (signals likely, though not absolute, unsuitability for development based on statewide or local regulations or designated critical resources) to include:</p> <ul style="list-style-type: none"> <li>• Vernal Pools (confirmed and unconfirmed layers)</li> <li>• DEC River Corridors</li> <li>• FEMA Floodways</li> <li>• State-significant Natural Communities and Rare, Threatened, and Endangered Species</li> <li>• National Wilderness Areas</li> <li>• Class 1 and Class 2 Wetlands (VSWI and advisory layers)</li> <li>• Regionally or Locally Identified Critical Resources</li> </ul> <p><i>If areas are constrained for the development of renewable energy due to the desire to protect a locally designated critical resource (whether a natural resource or a community-identified resource), then the land use policies applicable to other forms of development in this area must</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____

<p><i>be similarly restrictive; for this category, policies must prohibit all permanent development (and should be listed in the Notes column).</i></p> <p><i>These areas should be subtracted from raw renewable energy resource potential maps to form Secondary Resource Maps</i></p>			
<p>C. Possible constraints (signals conditions that would likely require mitigation, and which may prove a site unsuitable after site-specific study, based on statewide or regional/local policies that are currently adopted or in effect), including but not limited to:</p> <ul style="list-style-type: none"> <li>• Agricultural Soils</li> <li>• FEMA Special Flood Hazard Areas</li> <li>• Protected Lands (State fee lands and private conservation lands)</li> <li>• Act 250 Agricultural Soil Mitigation areas</li> <li>• Deer Wintering Areas</li> <li>• ANR's Vermont Conservation Design Highest Priority Forest Blocks (or Habitat Blocks 9 &amp; 10, for plans using regional maps in regions whose plans will be submitted for adoption at the regional level by March 1, 2017)</li> <li>• Hydric Soils</li> <li>• Regionally or Locally Identified Resources</li> </ul> <p><i>If locations are constrained for the development of renewable energy due to the desire to protect a locally designated resource (whether a natural resource or community-identified resource, like a view), then the land use policies applicable to other forms of development must be similarly restrictive (and should be listed in the Notes column).</i></p> <p><i>These areas should be subtracted from Secondary Resource Maps to form Prime Resource Maps.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Page: _____</p> <p>Paragraph #: _____</p>
<p>D. Transmission and distribution resources and constraints, as well as transportation infrastructure.</p> <p><i>(Including three-phase distribution lines, known constraints from resources such as Green Mountain Power's solar map, known areas of high electric load, etc.)</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Page: _____</p> <p>Paragraph #: _____</p>

<p>E. Preferred locations (specific areas or parcels) for siting a generator or a specific size or type of generator, accompanied by any specific siting criteria for these locations</p> <p><i>Narrative descriptions of the types of preferred areas in accompanying plan text are acceptable, though mapping of areas and especially specific parcels (to the extent they are known) is highly encouraged, to signal preferences to developers, particularly for locally preferred areas and specific parcels that do not qualify as a statewide preferred location under i. below.</i></p> <p><i>The locations identified as preferred must not be impractical for developing a technology with regard to the presence of the renewable resource and access to transmission/distribution infrastructure.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
<p>i. Statewide preferred locations such as rooftops (and other structures), parking lots, previously developed sites, brownfields, gravel pits, quarries, and Superfund sites</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
<p>ii. Other potential locally preferred locations</p> <p><i>For example, customer on- or near-site generation, economic development areas, unranked and not currently farmed agricultural soils, unused land near already developed infrastructure, locations suitable for large-scale biomass district heat or thermal-led cogeneration, potential locations for biogas heating and digesters, etc.</i></p> <p><i>These are particularly important to map if possible, as “a specific location in a duly adopted municipal plan” is one way for a net metering project to qualify as being on a preferred site.</i></p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A	Page: _____ Paragraph #: _____
<p><b>13. Does the plan identify areas that are unsuitable for siting renewable energy resources or particular categories or sizes of those resources?</b></p> <p><i>Either Yes or No (“No” if the plan chooses not to designate any areas as unsuitable) is an acceptable answer here. “Resources” is synonymous with “generators.”</i></p>	<input type="checkbox"/> Yes (“Yes” for A and B must also be selected below)	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
<p>A. Are areas identified as unsuitable for particular categories or sizes of generators consistent with resource availability and/or land use policies in the regional or municipal plan applicable to other types of</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A (if no unsuita	Page: _____ Paragraph #: _____



land development (answer only required if “Yes” selected above, indicating unsuitable areas have been identified)? <i>If areas are considered unsuitable for energy generation, then the land use policies applicable to other forms of development in this area should similarly prohibit other types of development. Please note these policies in the Notes column.</i>		ble areas are identifie d)	
B. Does the plan ensure that any regional or local constraints (regionally or locally designated resources or critical resources, from 12b-12c above) identified are supported through data or studies, are consistent with the remainder of the plan, and do not include an arbitrary prohibition or interference with the intended function of any particular renewable resource size or type? <i>Please explain in the Notes column.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Page: _____ Paragraph #: _____
<b>14. Municipalities seeking a determination of energy compliance from the Department and not using their region’s maps only:</b> Does the plan ensure that its approach, if applied regionally, would not have the effect of prohibiting any type of renewable generation technology in all locations?	<input type="checkbox"/> Yes (also check Yes if seeking determination from region, or from DPS but using region-provided maps)	<input type="checkbox"/> No	Page: _____ Paragraph #: _____

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION**  
**Town Plan Review Committee**  
**Draft Minutes**

January 17, 2019

4:00pm

CVRPC Offices, 29 Main Street, Suite 4, Montpelier

**Committee Members:**

<input type="checkbox"/>	Bill Arrand, Worcester
<input checked="" type="checkbox"/>	Lee Cattaneo, Orange Commissioner
<input checked="" type="checkbox"/>	Ron Krauth, Middlesex Commissioner
<input checked="" type="checkbox"/>	Joyce Manchester, Moretown Alternate Commissioner
<input checked="" type="checkbox"/>	Jan Ohlsson, Calais Alternate Commissioner
<input type="checkbox"/>	Karla Nuissl, Berlin Alternate Commissioner (Alternate Seat)

Staff: Clare Rock, Jonathan DeLaBruerer

**CALL TO ORDER**

The meeting was called to order by Jan Ohlsson, Vice Chair at 4:00 pm.

**CHANGES TO THE AGENDA**

None.

**PUBLIC COMMENTS**

None.

**RULES OF PROCEDURE & COMMITTEE PROCESS**

**COMMITTEE PROCESS**

- a) Review and approve the Draft Rules of Procedure, dated January 14, 2019
- b) Discuss the RPC's review and consultation regarding a municipal planning efforts:
  - i. Confirmation of the municipal planning process
  - ii. Review and approval of the municipal plan

Discussion of the draft Rules and review of the statutory references. Staff gave an overview of the consultation process and timeline. RPC's are required to confirm a town planning process twice within 8 years. We currently formally confirm the process at the board-level once along with a town plan approval. They want to focus their charge to reviewing town plans which have requested approval. The Town Plan Review Committee felt their charge is to review town plans not to review the towns planning process.

Discussion also included at which point should the RPC provide the approval, statute specifies this to take place after final town adoption. Members discussed to benefit of review prior to final municipal approval and referenced the Berlin approval. Staff indicated the practice of reviewing and commenting upon the PC draft and how the RPC should be making these comments focused on clearly stating whether the draft plan does or does not meet the statutory requirements.

1  
2 Committee agreed they do not need to need to receive the entire Municipal Plan Review Tool checklist  
3 for town plan reviews, they requested a memo outlining the highlights and areas of deficiency.  
4

5 Krauth made a motion to revise the draft Rule of Procedure as presented to state that the role of the  
6 Committee is to approve town plans based upon Section 4350(b)(2) [not the entire Section 4350] and to  
7 confirm a towns planning process once every 8 years based upon a staff report, seconded by Cattaneo,  
8 all in favor. Motion carried.  
9

10 Discussion about the location and purpose of the Town Plan Hearings and whether the purpose of the  
11 hearings was for the residents of the town to weigh in or if is for others in the region to weigh in.  
12 Committee members agreed that the PC and SB Hearings are the appropriate place for residents to  
13 weigh in as their comments are most appropriate to be addressed at the local level – not at the regional  
14 level.  
15

16 Ohlsson made a motion to hold TPRC hearings at a central location (vs in subject municipality),  
17 preferably 2 weeks prior to an upcoming CVRPC Board meeting with subject municipalities PC members  
18 and CVRPC staff, seconded by Manchester, all in favor. Motion carried.  
19  
20

- 21 iii. Determination of optional municipal energy plan compliance – this will be discussed at a later  
22 meeting. The Committee requested another meeting be scheduled to discuss this before the  
23 next town plan review hearing. Rock will send out a Doodle Poll.  
24  
25

## 26 **APPROVAL OF MINUTES**

27

28 Cattaneo made a motion to approve the October 9, 2018 minutes, seconded by Krauth, all in favor.  
29 Motion carried.  
30

## 31 **ADJOURNMENT**

32

33 Krauth made a motion to adjourn at 5:45pm, seconded by Cattaneo, all in favor. Motion carried.  
34  
35  
36