



Vermont Planners Association

Solar Facility Siting Issues List

[October 2015]

Facility Siting Process

- Siting (facility location) decisions are currently made by and between the developer and property owner, in advance of the Section 248 process. There is no requirement for alternative site analyses, and little if any opportunity for substantive community input into the siting process.
- Lack of coordinated state, regional, municipal energy and land use planning [per 3 VSA § 4020] in advance of facility siting, Section 248 permitting—including pre-screening, identification of exclusion areas, alternative site analyses for larger systems [**importance of PSD RPC Pilot Project noted*]
- Lack of relevant data, accepted mapping protocols for use in energy land use planning and mapping, including solar resource mapping [per 24 VSA § 4345(1); **importance of PSD RPC Pilot Project noted*]
 - Measuring facility scale only w/re to generation and not land consumption (acreage).
 - Lack of facility “footprint” information—including estimated land area needed to meet state renewable energy goals [**see PSD scenario-based estimates*]
 - Lack of grid/micro-grid mapping—identification of high potential and/or deficiency areas w/re to distributed generation
 - Lack of existing/projected/allocated energy demand by region, town (fair share analyses)
 - Need for parcel-level information, mapping (per PSB rulings re site specific information)
- Smaller (accessory use) systems—level of review/jurisdiction in relation to impacts— exemption of smaller systems from municipal jurisdiction, resulting in no local or state review of “registered” systems
- Larger (principal use) systems –lack of clear siting and mitigation standards, protocols; “temporary” facility status over 20-50 year lease period—especially w/re to land subdivision, site access, site layout and design in relation other onsite and neighboring uses, site reclamation
- “Community” systems – conflicting definitions (physical scale, degree of local participation)
- Cumulative impacts w/in one community, area, region –difficult to address on a project-by-project basis, in the absence of an overall planning and development context (land use mapping)
- Secondary impacts—e.g., resulting from extending three-phase power into undeveloped areas

Hearing/Review Process

- Lack of sufficient and timely notice—dependence on applicant/petitioner to meet notice requirements without signed service list or other documentation; 45 days not enough for municipal boards, planning commissions without staff, which may meet only monthly.
- Lack of RPC statutory party status (intervenor by right), given statutory participation requirement under 24 VSA § 4345a(14).
- Formality of Section 248 process, cost of participation (attorney, expert witness fees, staff time)
- Dated 248 statutory criteria (e.g., “orderly development”) which predate Act 200, state planning goals, and statutory determinations of regional significance [24 VSA §§ 4345a(17), §4348(h)].
- Definition/interpretation of regional “orderly development” (fundamental planning concept) in the absence of rigorous planning, mapping, and land subdivision and facility siting guidance/regulation
- Evolving PSB application of the “Quechee Test” w/re to the interpretation of “community standards,” definition of “average person” and the addition of “societal benefit”—
- Need for additional guidance re effective plan language, community standards under PSB rulings (e.g., general inconsistent language v. “de facto zoning;” use of bylaws to interpret)

Roof-mounted Systems

- Lack of compelling incentives for rooftop v. larger, ground mounted installations
- Historic structures, sites –structural, cultural, contextual, visual impacts
- Historic districts—cultural, contextual, visual impacts
- Design review districts—contextual, visual impacts
- Municipal building, electrical codes—notification, compliance
- Fire safety—department notification, roof access, venting, electrical shock
- Solar access easements, setbacks—in relation to neighboring properties (structures, vegetation, trees), particularly within higher density urban, village, suburban areas
- Nuisances— visual obstructions , glare

Ground-mounted Systems

- Land subdivision –lack of PSB criteria, regulation w/ re to subdivision, long-term lease of land
- Siting of large installations on land served by municipal infrastructure (water, sewer) that is planned/zoned for higher density industrial or mixed use development, including state-designated downtown, village, neighborhood, growth centers
- Site preparation, clearing (tree removal), stormwater management and erosion control
- Facility removal, site reclamation requirements—not applicable to all systems
- Highway rights-of-way –clearing, siting within public rights-of-way; compliance with municipal highway (T. 19) ordinances re highway access, rights-of-way
- Floodplains, floodways –NFIP requirements for community participation; state regulation of “registered” systems
- River corridor protection districts—fluvial erosion hazard areas
- Stream, shoreline buffer zones
- Wetlands, wetland buffer zones
- Historic structures, sites, properties –cultural, contextual, visual impacts
- Historic and design review districts—cultural, contextual, visual impacts
- Scenic viewsheds, byways, ridgelines—visual impacts
- Wildlife—RTE species, necessary/core habitat fragmentation, travel corridors, facility fencing requirements
- Farmland, primary agricultural soils—siting on high priority farmland (e.g., identified through LESA) and/or primary agricultural soils; lack of on- and off-site mitigation (per Act 250)
- Solar access, easements, setbacks—in relation to neighboring properties (structures, vegetation)
- Screening –type, extent, adequacy of screening from public vantage points and neighboring properties
- Nuisances – visual obstructions, glare, noise (tracking systems)
- Cumulative impacts of multiple large installations within one community or area (see above)
- Lack of compelling incentives for siting on existing buildings, brownfields, reclaimed sand and gravel pits, landfills, industrial sites/districts, etc.
- Provisions re design/management for shared use that provide additional public benefit—e.g., management for farming, biodiversity, outdoor recreation
- Ability to address renewable energy facilities in site plan and subdivision design under local regulations —e.g., incentives or requirements for “solar ready” and group net-metered subdivisions and development (PUDs, PRDs), as provided under 24 VSA § 4414(6) and (14).

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