

Solar Siting Task Force Recommendations and S. 230

The following summarizes the recommendations contained in the final report of the Solar Siting Task Force. The highlighted recommendations are reflected in S. 230.

Planning

Effective planning has the potential to shape the municipal, regional and state energy future. The quality and degree of energy planning at the town and regional levels could be increased with resources and tools, such as an expansion of the regional energy planning work the Department of Public Service (DPS) has undertaken with Bennington, Two Rivers-Ottawaquechee, and Northwest regional planning commissions.

The Task Force seeks to strengthen the contribution that town and regional planning will make to the siting of the solar generation contemplated in the state's Comprehensive Energy Plan. Accomplishing this requires both effective regional and local planning for solar generation and the effective consideration of the guidance such planning offers in the § 248 regulatory process that determines if and under what conditions a solar project application will be approved.

1. Clarify and Enhance the Energy Planning Responsibilities of Regions and Municipalities under the Vermont Planning and Development Act (24 V.S.A, Chapter 117)
 - a. Expand Role of Energy in the State's Planning and Development Goals
 - b. Make Certain Regional Energy Planning Duties Mandatory
 - c. Expand RPC Energy Planning Responsibilities
 - d. Expand Municipal Energy Planning Responsibilities
2. Strengthen Regional Energy Planning
 - a. DPS-RPC Energy Planning Pilot
 - b. Ongoing Support for RPC Energy Planning
 - c. Make RPCs Parties by Right in the § 248 Process
3. Strengthen Municipal Energy Planning
 - a. Support for the Creation of Guidance and Tools for Local Energy Planning
 - b. Explore the Feasibility of Options for Municipal Review and Regulation of Small Solar Systems
4. Develop Solar Siting Best Practices
 - a. Initiate Solar Siting Best Practices Working Group

Incentives

Aligning market signals with public policy objectives is one of the most effective ways to guide development. There is strong desire in the state for solar to be preferentially developed in already impacted areas, such as on buildings, parking lots, brownfields, landfills, and gravel pits. Solar is also generally desirable in locations where it provides the most value to the grid, and where there is a direct or tangible benefit to host communities and neighbors. Modest changes to existing incentive programs in the state offer a pathway toward achieving these goals.

1. Create Regulatory and Financial Incentives for Siting in Preferred Areas

- a. Encourage solar projects to locate in locally designated areas
- b. Maximize solar development in previously developed locations and close to load
- 2. Incentivize Projects that Directly Benefit Neighbors
 - a. Create incentives for projects that directly benefit local communities
 - b. Enable portions of large projects to benefit neighbors and host communities
- 3. Encourage Projects that Help Meet Other State Energy, Environmental, and Development Goals
 - a. Incentivize projects with superior energy and environmental characteristics
 - b. Incentivize projects with co-benefits

Regulatory Process

Participation in some aspects of the § 248 process can be difficult for some stakeholders, especially those participating for the first time or who choose to represent themselves in contested cases. Efforts to improve the availability of information on cases, create process guidance, and remove barriers to participation would be welcomed by the public, towns, neighbors, state agencies, developers, and other stakeholders.

- 1. Create Pathways for Mediation of Concern with Projects
 - a. Encourage pre-application consultations
 - b. Create and early off-ramp for mediation of concerns
 - c. Create a mediation process for contested cases
- 2. Provide § 248 Process Assistance to Developers and the Public
 - a. Creation of customer assistance roles at the PSB
 - b. Development of forms and templates
- 3. Participation of State Agencies in the § 248 Process
 - a. Party status for AAFM
 - b. VDHP notice and developer agreements

Aesthetics/Environment

In § 248, aesthetics is primarily reviewed in the context of criterion (b)(5), which requires that a project “...will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety...” [emphasis added]. The PSB uses the two-part Quechee test adopted by the former Environmental Board (now the Natural Resources Board) to determine the project’s effect on aesthetics. The Quechee test can be summarized as follows:

....

In addition to criterion (b)(5) aesthetics review, the PSB can consider scenic resources through criterion (b)(1) (orderly development), to the extent scenic resources are identified in town and regional plans.

Aesthetics is by its very nature subjective. While the Quechee test attempts to lend some objectivity to the review, details of how the review is conducted, and what information feeds into the review, are not always clear. There is also need for improvement in the information collected for the purpose of aesthetics review, the ability for those potentially affected to be involved, and the assurance that aesthetic mitigation requirements (such as screening) remain effective over time.

- 1. Improve Aesthetics Review Process, Transparency, and Compliance Provisions

- a. Notification to adjacent towns
 - b. Identification of project infrastructure, soils, and impacts on site plans
 - c. Develop aesthetics guidance
 - d. Consider improvements to Act 56 setback and screening provisions and implement as appropriate
 - e. Quechee analysis guidance
 - f. Aesthetics mitigation compliance
2. Improving Water Quality Through Solar Transition
- a. Support development and implementation of multi-agency proposal