Planning Commission Reporting Form
for Municipal Bylaw Amendments
~~12/17/2015~~ 2/24/2016 (updated)

Proposed Revisions to Hinesburg's Zoning Regulations
Screening for Commercial/Industrial Uses – Including Solar Installations
for Planning Commission proposal – 2/24/2016

This report is in accordance with 24 V.S.A. §4441 (c) which states:

> When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. The report shall provide:

(A) Brief explanation of the proposed bylaw, amendment, or repeal and ….include a statement of purpose as required for notice under section §4444 of this title,

The Hinesburg Planning Commission held a public hearing at the Town Hall on January 13, 2016, at 7:30 pm to receive public comment on proposed changes to the Zoning Regulations (last revised July 28, 2015). The purpose is to revise and bolster landscaping and screening requirements for commercial and industrial uses, and to ensure these requirements also apply to certain ground-mounted solar installations. The geographic area affected is town-wide.

**Based on the public hearing and discussion at subsequent meetings, the Planning Commission revised the proposal before delivering it to the Selectboard for review and action.

Copies of the proposed changes, as well as a report on how the proposed changes comply with State Statute and the Town Plan, are available on the Town web site (www.hinesburg.org) and at the Planning & Zoning Office at the Town Office located at 10632 Route 116. The Planning & Zoning Office is open 8am to 4pm Monday through Friday. For information please contact the Planning & Zoning Office, 482-2281 ext 225. A list of the affected section headings follows, as required pursuant to Title 24, Chapter 117 V.S.A Section 4444 (b).

Zoning Regulations Sections:
Section 4.3.8 #2c – Landscaping of Parking Areas
Section 5.6 – Design Standards for Commercial and Industrial Uses
Section 5.6.5 – Screening/Landscaping

Background
Vermont statutes stipulates that municipal zoning regulations cannot be used to regulate utility power generating plants or related transmission facilities (per Title 24, Section 4413b). Such projects are instead reviewed by the State Public Service Board (PSB) pursuant to Title 30, Section 248 of State statute. The PSB reviews and issues what are known as "certificates of public good" for such projects. Municipalities may participate in the PSB process and make comments as an interested party. With the passage of Act 56 by the VT Legislature in 2015, statewide minimum setbacks from public roads and property lines were established for certain ground-mounted solar plants. The act also requires that ground-mounted solar plants comply with screening requirements adopted by municipalities. Although the legislation clearly

empowers municipalities interested in screening such projects, there is a catch or two. First, screening requirements cannot prohibit or have the effect of prohibiting the project, or interfere with the facility's intended functional use. Second, the screening requirements cannot be more restrictive than what the municipality applies to other types of commercial development.

At the urging of a Hinesburg resident and with the help of the Town Energy Committee, the Planning Commission discussed and prepared the proposed zoning revisions to ensure the Town's screening and landscaping requirements cover ground-mounted solar facilities. Section 5.6 of the existing Zoning Regulations already contained several design standards for commercial and industrial uses, including landscaping (section 5.6.5). With that in mind, the proposal is to revise section 5.6 to accomplish the following:

- Clarify the purpose of the standards.
- Enumerate what types of development the standards apply to – including solar facilities.
- Improve the landscaping and screening standards (section 5.6.5) for clarity.
- Ensure the standards cover both traditional commercial/industrial uses and solar facilities.

Traditional brick and mortar commercial uses and solar facilities clearly are two very different types of uses that warrant different screening review standards. This is particularly evident for uses in the Town's village growth area, where commercial buildings are typically front and center as part of vibrant mixed use streetscapes – i.e., not desirable for most ground-mounted solar facilities. Unfortunately, Act 56 both empowers and ties our hands on this front. Therefore, the proposal is a compromise to ensure adequate screening for both types of uses.

Findings regarding how the proposal:

1. ***Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:***

The proposal furthers the recommendation in section 8.4 of the Town Plan that deals with solar energy technologies – copied below. The proposal helps ensure that such technologies (which are generally supported by the Town) do not have significant adverse aesthetic impacts – at least to the extent allowed under Act 56.

Section 8.4: The Town should enable economic opportunities through the use of solar energy technologies, and support the enhancement and expansion of such technologies and networks when such facilities do not have significant adverse environmental, health, or aesthetic impacts.

The proposal will have no effect on the availability of affordable housing.

---

2. ***Is compatible with the proposed future land uses and densities of the municipal plan:***

The proposed changes will have no effect on future land uses and development densities.

---

3. ***Carries out, as applicable, any specific proposals for any planned community facilities."***

Not applicable.