December 2021

Clean Energy and
Your Comprehensive Plan
For Local Governments

NEW YORK
STATE OF
OPPORTUNITY.

NYSERDA

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1. Introduction

This resource guide was created to help New York State municipalities develop and adopt clean energy policies for their comprehensive plans. A comprehensive plan, also called a master plan, is a written document containing goals, objectives, and strategies to guide a community's future development. Formally adopted by the local legislature, a comprehensive plan steers the municipality's physical and economic development and accommodates its social, environmental, and regional concerns. As further described, comprehensive plans often incorporate environmental, economic, and sustainability strategies, including language addressing clean energy development.

It is important to understand the role of local governments in land-use planning and regulation and in approving private parties' development applications. New York State empowered local governments to adopt land-use plans, regulate land-uses, and review and approve development proposals through various boards, including legislatures, planning boards, zoning boards of appeal, architectural review boards, historic preservation commissions, and conservation advisory commissions. Each of these boards can facilitate or create barriers to clean energy facilities. The process of removing barriers begins with planning, proceeds to zoning and land-use regulation changes, and concludes with streamlining the review and approval process.

This resource guide is designed to show local governments how to develop and adopt policies and plans addressing clean energy development by:

- Examining the importance of planning for clean energy development
- Showing the significance of adopting a policy resolution
- Identifying funding opportunities
- Appointing a special board to evaluate existing conditions
- Engaging the entire community in the process so clean energy policies, plans, and regulations reflect community interests
- Presenting best practices to incorporate into planning
- Explaining the legally required process which municipalities must undergo to adopt a new comprehensive plan
- Providing helpful resources and examples for reference

Commentary: Defining and Understanding "Clean Energy"

As established under the Clean Energy Standard (2016) and the Climate Leadership and Community Protection Act (2019), New York has a suite of ambitious, economy-wide climate and energy goals driving the adoption of clean energy technologies, policies, and programs across the state. To plan for this development, it is imperative municipalities understand and clearly identify the technologies and strategies that they wish to encourage and/or regulate in their communities.

A comprehensive definition of clean energy should reflect two key, related concepts:

- Zero-emission, renewable energy generating technologies
- Existing technologies, strategies, and concepts supporting the implementation of renewables or reducing dependence on fossil fuels

Examples of renewable energy sources include:

- Solar
- Wind
- Hydroelectric
- Geothermal
- Tidal and wave energy

Examples of related technologies, concepts, and strategies include:

- Battery energy storage systems
- Green hydrogen
- Fuel cell technologies
- Energy efficiency and conservation measures
- Electric vehicles and charging infrastructure
- Clean heating and cooling technologies (e.g., ground source or air source heat pumps)
- Acquisition of Renewable Energy Certificates

2. Why Does Clean Energy Belong in a Comprehensive Plan?

Local governments engage in land-use planning to inventory a community's needs and assets, develop a shared vision for the future, and build consensus and support for actions to implement the plan. Local governments should begin the process with a planning initiative because New York State's zoning and planning enabling acts require land-use regulations to be "in accordance with a comprehensive plan" or "in accordance with a well considered plan." (NYS Village Law § 7-704; Gen. City Law § 20(25); Town Law § 263.) If a locality adopts new land-use regulations without adopting or prior to updating a comprehensive plan, and these regulations were subject to legal challenge or review, the courts will examine all of the municipality's land-use policies and actions (including existing applicable regulations) for evidence of the comprehensive plan to which zoning and other land-use actions must conform. Thus, adopting or updating a comprehensive plan to include clean energy prior to creating clean energy regulations may provide significant legal protection for these regulations.

Commentary: Evidence of Comprehensive Planning

In the event that a municipality's land-use regulations become subject to legal challenge or review, the courts will seek to identify evidence of a comprehensive plan to which the regulations under review must conform. Municipal policies and actions which may be reviewed by the courts include, but are not limited to, the following items:
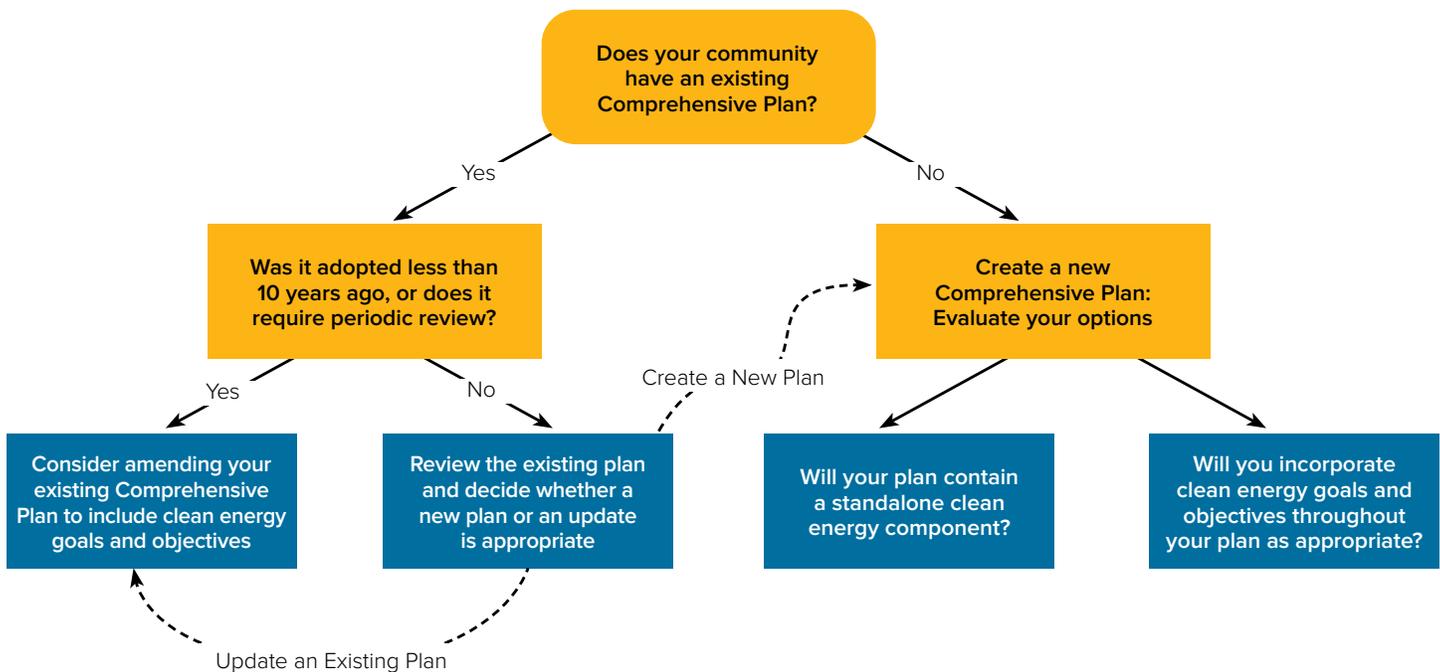
- Municipal zoning laws and their legislative findings
- Previously adopted plans and policies
- Previous land-use decisions
- Minutes of the legislative body
- Existing conditions (or other) studies
- Environmental reviews and findings

Adherence to a community's comprehensive plan is also a key consideration for municipalities wherein a major renewable energy facility is proposed. Since 2020, in New York State, renewable energy facilities larger than 25 megawatts[1] (MW), including solar, land-based wind, and other projects, are reviewed and permitted in accordance with the regulations of the NYS Office of Renewable Energy Siting (ORES). ORES regulations specifically require applicants to submit a statement identifying and declaring whether the proposed facility is consistent with any applicable local comprehensive plans, along with a copy of those plans and an indication of applicable plan sections (9 NYCRR § 900.2.4[h]). To this end, adopting a balanced, well-considered comprehensive plan that accounts for clean energy may serve to articulate the community's priorities and expectations for major renewable energy facilities.

Because the New York State zoning enabling act requires that land-use regulations be in accordance with a well-considered plan, the comprehensive plan should include language that addresses clean energy and lays the policy foundation for clean energy regulations. Comprehensive plans can accomplish this by including planning goals, objectives, strategies, and implementation measures that facilitate clean energy development. To address local clean energy resources, municipalities may choose to update the entire comprehensive plan or to amend it by adopting a single component that only discusses a community's clean energy resources. If financially limited in its ability to completely update or amend the comprehensive plan, a municipality may choose to adopt a separate functional plan addressing the community's energy resources. A functional plan provides similar legal protection for regulations.

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[1] New renewable energy projects between 20-25 MW, as well as projects in the initial stages of Article 10 review, may voluntarily opt-in to the ORES review process.

Getting Started: Identify an Appropriate Plan Format & Process

Does your community have an existing Comprehensive Plan?

— Yes →

Was it adopted less than 10 years ago, or does it require periodic review?

— Yes → **Consider amending your existing Comprehensive Plan to include clean energy goals and objectives**

— No → **Review the existing plan and decide whether a new plan or an update is appropriate**

Update an Existing Plan

Create a New Plan

— No →

Create a new Comprehensive Plan: Evaluate your options

→ **Will your plan contain a standalone clean energy component?**

→ **Will you incorporate clean energy goals and objectives throughout your plan as appropriate?**

Commentary: Land-Use Moratoria — What they are and how to use them effectively

A moratorium on development is a local law or ordinance suspending (for a reasonable time) property owners' rights to obtain development approvals. Moratoria are intended to grant a community time to consider, draft, and adopt land-use plans or rules to respond to new or changing circumstances not adequately dealt with under its current laws.

A moratorium may be general or specific: a general moratorium prevents the consideration and approval of all development in the community, while a specific moratorium only applies to a particular type of development or geographic area. For example, municipalities in New York State have previously implemented moratoria focused solely on the construction of docks, telephone antennas, wind turbines, and other types of development.

Communities should be cautious when considering the adoption of a moratorium. Moratoria involving the suspension of a landowner's right to use their property are often litigated and can be invalidated by the courts if the community is unable to show the necessity for the moratorium and its reasonableness under the circumstances.

Key Considerations for Municipalities:

- A moratorium must be reasonable to avoid the risk of being challenged and voided by the courts.
  - Reasonableness is best established by local legislative findings documenting the moratorium's necessity in light of health/safety risks or a new land-use problem that the municipality's existing regulations were not designed to handle.
  - The more specific and legitimate the municipality's plan and timetable for the moratorium are, the more likely the moratorium will be found to be reasonable.
  - Generally, courts are deferential to the local legislature's findings. However, courts will void a moratorium when there is proof of special facts showing that the municipality acted unreasonably, arbitrarily, or in bad faith in adopting the moratorium.
- A moratorium must be adopted in conformance with all procedures required of any zoning or land-use action, including notice, hearing, the formalities of adoption, and filing.
- A moratorium does not apply to approved projects where the developer has completed construction or has undergone substantial construction in reliance on a development approval or permit.

Resources:

- NYS Department of State: Land-Use Moratoria, https://www.dos.ny.gov/lg/publications/Land_Use_Moratoria.pdf

3. Policy and Process Development

To address clean energy in a comprehensive plan, municipalities should follow the initial steps outlined below, including adopting a policy resolution, identifying funding opportunities, appointing a special board, and evaluating existing conditions. These steps do not need to be followed in the specific order presented, and many may happen simultaneously. To develop a strategy for updating or creating a clean energy component for a comprehensive plan, communities may start by reviewing their appropriate utility hosting capacity maps (see commentary box for additional details). Analyzing local hosting capacity can help communities identify and account for areas with higher or lower potential for clean energy development based on proximity and feasibility of interconnection to the grid.

Commentary: Hosting Capacity Maps

The "hosting capacity" of the local electric distribution system will affect clean energy development in a community. Hosting capacity refers to an estimate of the location and quantity of new distributed energy resources (DER), such as solar energy systems, which can be interconnected without adversely impacting power quality or requiring costly infrastructure upgrades.

Analyzing local hosting capacity can help communities identify and account for areas with higher or lower potential for clean energy development. The Joint Utilities of New York publish and regularly update hosting capacity maps for public use.

Recognizing that clean energy development is more likely to occur in areas with available hosting capacity, NYSERDA recommends municipalities consider the following:

- Analyzing hosting capacity maps alongside local zoning maps and other resources can help promote clean energy in areas with higher development potential.

- Utility hosting capacity maps do not include high-voltage transmission lines; therefore, these maps may not be predictive of all future clean energy development.

- Hosting capacity is subject to change based on factors like grid upgrades and should not be the sole factor shaping a municipality's planning around clean energy.

For assistance viewing or analyzing a hosting capacity map, please contact NYSERDA's Clean Energy Siting Team at cleanenergyhelp@nyserda.ny.gov.

Adopt a Policy Resolution

A municipality's legislature can adopt a resolution or policy statement to outline a strategy for updating or creating a clean energy component for the comprehensive plan. This policy statement should assert the overall local goal for the effort. For example, it may state that renewable energy sources are abundant and nonpolluting and announce that the municipality intends to plan for and regulate their future development. The policy statement should state the municipality's intention to consider clean energy development when reviewing its comprehensive plan and updating zoning regulations, as well as an intention to encourage public participation in this process. Municipalities should consider using the policy statement to identify funding sources, adopt a special board, and authorize studies as described further in the following section.

Identify Funding and Resources for the Planning Process

To plan for clean energy, a municipality must secure or allocate funding and resources. Depending on local needs and capacity, a locality may use only in-house municipal staff and volunteers or may hire a team of consultants to execute a planning effort. The cost of hiring an external third-party may range from $10,000 to $250,000, depending on the municipality's approach, its size, and the breadth of the initiative. Costs will be higher when a municipality hires outside consultants to lead the process, evaluates zoning and implementation actions in the plan, incorporates several existing condition studies, and includes extensive community engagement. Municipalities typically fund these efforts through available municipal, county or private funds, along with public grants. The sources listed in the resource section below provide New York municipalities with several funding opportunities for local planning initiatives.

Charge Planning Board or a Special Board

The local legislature is authorized by statute to prepare or amend the comprehensive plan but, by resolution, may direct the planning board or a special board to perform this task. (See Village Law § 7-722, Town Law § 272-a, and General City Law § 28-a.) The board preparing the plan is required to conduct at least one public hearing on a community-wide basis to involve all key stakeholders, gather all available ideas, identify divergent groups and views, and secure support from the entire community. The board can be tasked with reviewing existing conditions, performing research, and assisting with community engagement efforts and should set a meeting schedule, assign specific responsibilities for data collection and review, and establish an overall schedule for completion. The board often is supported by paid consultants.

It is at the discretion of the local legislature to decide who prepares the comprehensive plan. The planning board may be selected because they are well-versed with development and zoning in the community and are already in place. Alternatively, a special board can be created to engage a broader group of stakeholders. The special board could include local board members, residents, business owners, non-profit organizations, clean energy industry representatives, utilities, relevant municipal officials and staff, and other interested stakeholders. The special board must include at least one planning board member.

Determine Existing Conditions through Studies and Data Gathering

The special board or paid consultant(s) must gather data and initiate or conduct studies to guide the planning effort. The studies should explore legal, technical, environmental, agricultural, and economic considerations to help determine appropriate clean energy development within a community. Existing conditions studies could examine the affected area's history of generating energy from renewable sources and existing clean energy generation facilities. Studies could assess market potential by determining demographic trends, total electric usage, the number of buildings (both residential and nonresidential) or quantity of land in a community that is viable for renewable energy system installations, and the local electric distribution system's ability to interconnect significant amounts of renewable energy generating capacity as presented in utility Hosting Capacity maps. Studies should further determine how existing policies, plans, and land-use regulations currently address clean energy development and related public health, safety, and welfare concerns. Specifically, a comprehensive plan must take into consideration applicable county agricultural and farmland protection plans created under Article 25-AAA of the Agriculture and Markets Law.

Studies also could identify anticipated environmental benefits and likely emission offsets and could further assess potential clean energy development impacts on local aesthetics, agricultural resources, air quality, natural and cultural resources, the economy and prospective jobs, and environmental justice communities. Additionally, studies could pinpoint existing federal and State laws that regulate clean energy generation and electrical transmission line siting development, as well as agencies with relevant permitting authority. Technical assistance might be necessary to ensure completed studies are sound and based on best practices.

Relevant Data and Information Sources for Existing Conditions Studies

Energy Resources:
- NYSERDA Solar Data Maps, nyserda.ny.gov/All-Programs/Programs/NY-Sun/Solar-Data-Maps.
- Open NY Dataset: Solar Electric Programs Reported by NYSERDA, https://data.ny.gov/Energy-Environment/Solar-Electric-Programs-Reported-by-NYSERDA-Beginn/3x8r-34rs.
- NYS Utility Hosting Capacity Maps, https://www3.dps.ny.gov/W/PSCWeb.nsf/All/6143542BD0775DEC85257FF10056479C.
- Utility Energy Registry, https://utilityregistry.org/app/index.html#/
- NY Solar Map, https://nysolarmap.com/.
- U.S. EPA Re-Powering Mapper, https://www.epa.gov/re-powering/how-identify-sites#looking.
- Scenic Hudson Solar Mapping Tool, https://www.scenichudson.org/our-work/climate/renewable-energy/welcome-to-scenic-hudsons-solar-mapping-tool/.

Agricultural Resources:
- Land in NYS Certified Agricultural Districts by tax parcel, https://agriculture.ny.gov/land-and-water/agricultural-districts.
- Land receiving Real Property Agricultural Value Assessment by tax parcel, https://www.tax.ny.gov/research/property/assess/valuation/ag_overview.htm.
- NYSERDA interactive map of Mineral Soil Groups 1 through 4, https://nyserda.maps.arcgis.com/apps/webappviewer/index.html?id=3a458ca7a5b6463fad81dfa5f8855fe0.
- NYS Agricultural Land Classification for Mineral Soil Groups 1 through 10, https://agriculture.ny.gov/system/files/documents/2021/01/masterlistofagriculturalsoils.pdf.
- United States Department of Agriculture (USDA) National Agricultural Statistics Service (NASS) Cropland Data Layer (CDL), https://www.usgs.gov/centers/fort/science/usda-national-agricultural-statistics-service-cropland-data-layer-0?qt-science_center_objects=0#qt-science_center_objects.
- National Landcover Data Base (NLCD) data, https://www.usgs.gov/centers/eros/science/national-land-cover-database?qt-science_center_objects=0#qt-science_center_objects.
- USDA soil mapping, https://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/survey/.

Environmental Resources:
- NYSDEC DEC Info Locator Map, https://www.dec.ny.gov/pubs/109457.html.
- NYSDEC Environmental Resources Mapper, https://www.dec.ny.gov/animals/38801.html.

Socioeconomic Resources:
- NYSERDA Disadvantaged Communities Map, nyserda.ny.gov/ny/disadvantaged-communities.
- NYSERDA Low- to Moderate-Income Census Population Analysis Tool, nyserda.ny.gov/About/Publications/Program%20Planning%20Status%20and%20Evaluation%20Reports/Evaluation%20Contractor%20Reports/2017%20Reports/LMI%20Census%20Population%20Tool.
- Empire State Development Opportunity Zone Program Map, https://esd.ny.gov/opportunity-zones.
- NYSDEC Maps and GIS Tools for Environmental Justice, www.dec.ny.gov/public/911.html.

4. Public Engagement and Education

Public participation is essential for successful clean energy policy and planning efforts because buy-in from all stakeholders—including citizens, local officials, land-use board members, local businesses, developers, real estate experts, environmental leaders, residents, and local media—is critical to the effort's success and long-term implementation. Empowering various stakeholders to share local knowledge and preferences strengthens process outcomes, and implementing several methods of public engagement to engage all citizens in the process increases confidence and support for the resulting plan, which will guide future clean energy development decisions.

Commentary: Public Engagement During (and After) the COVID-19 Pandemic

NYSERDA recognizes the current and ongoing difficulty of conducting meaningful public engagement due to public health restrictions amidst the COVID-19 pandemic. Ensuring the safety of individuals and communities is of the utmost importance, so any stakeholder engagement should only occur under circumstances that reflect the current public health guidance for in-person meetings.

While convening in-person may be preferred, many communities successfully implement alternative methods for public engagement, such as virtual conference meetings, meeting livestreams, dial-in conference calls, or hybrid in-person/virtual meetings.

Communities that pursue virtual or hybrid public meetings due to COVID-19 should ensure that, if required, these meetings comply with the Open Meetings Law. Consider implementing the following best practices to ensure full availability of participation:

- Publicize meeting notices in advance, including all links and information needed to participate
- Offer multiple options for participation, such as videoconference, telephone, etc.
- Allow for questions and comments to be submitted before, during, and after the meeting
- Post and circulate a video or audio recording of the meeting on the municipal website
- Post and circulate a transcript of the meeting

To stay up-to-date on current requirements related to the Open Meetings Law, visit the NYS Department of State Committee on Open Government website at https://www.dos.ny.gov/coog/openmeetlaw.html.

Ensuring community participation is essential. Each public engagement process will be different, involve a variety of stakeholders, and utilize different engagement methods. People may participate for a variety of reasons, including to improve services for their community, be a part of change, have their voices heard, build self-confidence, and meet new people.

Municipalities can use a variety of tools to engage participants in a collaborative process, including interviews, polls and surveys, hotlines, websites, email lists, focus groups, advisory groups, community meetings, neighborhood walks, social media (such as Twitter and Facebook), and mobile texting. Although many people participate willingly, municipalities may consider encouraging participation by offering tangible incentives, including refreshments. People also participate more frequently where their engagement is secondary to a main event, such as a community picnic or parade. It is also helpful if a municipality can provide free childcare to assist parents. Consider using creative locations to attract diverse stakeholders to participate, such as parks, restaurants, schools, shopping centers, homeowner association meetings, senior and recreational centers, and business locations, including agribusinesses and local farms. For more information on how to design an effective community meeting, see Appendix A.

Commentary: Ensuring Diverse Community Input

When adopting or modifying a comprehensive plan, it is imperative to solicit and take into consideration the needs and priorities of all community members. To ensure meaningful and widespread public engagement, the meeting organizer or board should conduct outreach to a broad group of stakeholders, including but not limited to:

- Municipal staff
- Local elected officials
- Land-use board members
- Historic preservation or other committee members
- Local developers
- Prominent business owners
- Fire and rescue personnel
- Prominent landowners or farmers
- Local environmental activists, citizen groups, or non-profits
- Environmental justice advocates
- Representatives of disadvantaged or underrepresented communities
- Homeowner association members
- Utility representatives

Commentary: Inclusion of Disadvantaged and Underrepresented Communities

It is imperative that any process to update or create a comprehensive plan is shaped by, and reflective of, the interests and priorities of an array of community members, including disadvantaged, low- to moderate-income, and other historically underrepresented populations. The following suggestions offer ways to frame and conduct an inclusive public engagement process.

Principles for addressing difference and power discrepancies:

- Acknowledge cultural differences

- Work to develop a mutually beneficial collaboration that centers the community's leadership and priorities

- Acknowledge unspoken controversial issues, such as mistrust or conflict between the community and local government

- Recognize that the local government may have blind spots

- Regularly give and receive considerate feedback

Suggestions for equitable engagement:

- Ascertain and communicate the level of influence that community members can have over project outcomes and remember that this may differ throughout the process

- Collaborate with a trusted local organization to invite community members to participate in planning activities

- Brainstorm methods for reaching community members

- Engage community members through existing activities, such as school functions or food drives

- Recruit community members to help with outreach efforts

- Compensate partner organizations and community members for their time working on the project

- Ensure public meetings are accessible by public transit or offer alternative travel arrangements

Further Reading and Resources:

- IAP2 Spectrum of Public Participation, https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf.

- Planning with Diverse Communities, https://www.planning.org/publications/report/9165143/.

- More and Better: Increasing Diversity, Equity, and Inclusion in Planning https://www.planning.org/publications/document/9176238/.

- Expanding the Circle, https://cbtrust.org/wp-content/uploads/CBFN_Expanding-the-Circle_Final-Document.pdf.

- A Guide to Community Centered Engagement in the District of Columbia, https://www.georgetownclimate.org/reports/convening-climate-resilience-equity-advisory-group-dc-ward-7.html.

5. How to Create Clean Energy Content for a Comprehensive Plan

Collected data and stakeholder input set the foundation for a comprehensive plan's content. As described above, a comprehensive plan is a written document that contains goals, objectives, and strategies organized into chapters, components, elements, or themes to guide a community's future development. Before drafting clean energy planning language, a community must select an appropriate format and style for the plan. Some communities may have a recently updated comprehensive plan, and therefore, do not expect to engage in a complete planning process. Other communities may anticipate an upcoming process to completely update their existing comprehensive plan. Depending on these local circumstances, municipalities may choose to integrate clean energy planning language into a larger process or engage in a smaller one focused entirely on identifying clean energy goals, objectives, and strategies.

The extent to which a community wishes to address clean energy will also vary given local circumstances and the amount of clean energy development a municipality anticipates in the future. Where extensive clean energy development is certain, communities may choose to adopt an entire clean energy component in a comprehensive plan or to create a stand-alone clean energy plan. Where clean energy development will be limited, municipalities may decide to add a small selection of locally relevant goals, objectives, and strategies to existing plans or integrate this planning language throughout more traditional components in a new comprehensive plan, such as the agriculture, natural resources/environment, economy, sustainability, municipal services, housing, or community character components. Regardless of the selected planning approach, this section describes how communities can develop clean energy goals, objectives, and strategies, together with an implementation plan, and presents model planning language that municipalities can adopt in their chosen planning format given local circumstances.

5.1 Develop Clear Goals and Objectives

Using gathered information from the studies and community engagement effort, the municipality should develop long-term clean energy goals and related shorter-term objectives. Planning goals are broad statements of ideal future conditions that the community desires for clean energy development. Goals should aim to eliminate identified problems while strengthening the community's positive attributes. When setting clean energy specific goals, planners and the community should consider how clean energy systems would help meet existing community goals, as well as appropriate scales and contexts for these systems. In addition, communities should consider how clean energy development might complement or otherwise relate to other interests, such as existing and future trees and vegetation, community character issues, and agricultural uses. After setting goals, a community can identify measurable, intermediate-term objectives that will help reach each goal.

The list of sample goals and objectives below is illustrative. A community should select and adapt appropriate goals and objectives based on conducted studies and collected community input. Not all the goals and objectives listed are relevant or appropriate for each community, and this list is not exhaustive.

Sample Goals and Objectives

Goal 1: Support the transition towards clean energy sources.
- Objective A: Allow and incentivize individuals and businesses to use renewable energy electric generation facilities and undertake energy efficiency initiatives.

- Objective B: Ensure clean energy development protects and enhances community character.

- Objective C: Facilitate clean energy initiatives that support disadvantaged or underrepresented residents.

- Objective D: Support the expansion of clean energy opportunities through the [Village/Town/City's] land-use policies, plans, and regulations.

- Objective E: Streamline the project review and approval process so it is efficient and predictable.

Goal 2: Take a leadership role in promoting environmentally sound clean energy technologies in [Village/Town/City] services and facilities.

- Objective A: Maximize opportunities for municipal buildings and schools to use renewable energy resources, as feasible.

- Objective B: Support clean energy generation equipment for [Village/Town/City] facilities and property when proven advantageous through a cost/benefit analysis.

Goal 3: Support financial strategies that further clean energy development and decrease the cost of electricity to all residential, commercial, and municipal properties.

- Objective A: Encourage and/or support funding and incentives for clean energy projects.

- Objective B: Support residential and commercial clean energy projects through regulations and taxation policies.

Goal 4: Increase employment and business development that builds the [Village/Town/City's] tax base, to the extent reasonably practical, by furthering the installation of clean energy systems.

- Objective A: To increase local economic value, incentivize locally generated sources of energy rather than importing non-local fossil fuels.

- Objective B: Encourage the development of education and training programs for clean energy employment opportunities.

Goal 5: Balance clean energy development and continued agricultural operations.

- Objective A: Minimize the siting of ground-mounted solar arrays on farmland identified by the NYS Department of Agriculture and Markets as Mineral Soil Groups 1-4.

- Objective B: Limit the introduction of non-agricultural uses in farming areas that may conflict with continued agricultural use of adjacent property.

- Objective C: Allow clean energy projects in agricultural areas only if mitigation for agricultural impacts have been identified and addressed.

- Objective D: Encourage solar and other renewable energy production that is compatible with agricultural-related businesses and alternative crop production.

Commentary: Identifying Farmland for Protection

When considering how best to promote a balance between clean energy development and agricultural protection, it is important to have clear, reasonable definitions regarding land and soil types. There are a variety of local, state, and federal soil classifications based on different criteria, which may or may not accurately reflect the current or future agricultural importance of those lands.

Definitions and classifications may include:

- Mineral Soil Groups 1-4: Soils identified by the NYS Department of Agriculture and Markets as highly productive soils in accordance with the agricultural land classification system created for the NYS Agricultural Assessment Program.

- Prime Farmland: Soils with the best combination of physical and chemical characteristics for producing food, fiber, and/or other crops. Parameters for Prime Farmland are established on a federal basis and may include cultivated land, pastureland, forestland, or other lands.

- Prime Farmland if Drained: Soils that meet all necessary criteria for the Prime Farmland classification other than depth to water table.

- Farmland of Statewide Importance: Soils that do not meet the criteria for Prime Farmland or Prime Farmland if Drained, but are classified as mineral soils in priority land capability classes. Parameters for Farmland of Statewide Importance are established on a state-by-state basis. These soils may also be referred to as "Farmland of Statewide Significance."

- Farmland of Local Importance: Soils that do not meet the criteria for the above classifications, but are considered of local importance to produce food, fiber, or other crops. These soils may be identified and/or classified by the appropriate local authority and may include lands that have been designed for agricultural use by local law.

Resources:

- NYSERDA Interactive Map of Mineral Soil Groups 1 through 4, https://nyserda.maps.arcgis.com/apps/webappviewer/index.html?id=3a458ca7a5b6463fad81dfa5f8855fe0.
- NYS Agricultural Land Classification for Mineral Soil Groups 1 through 10, https://agriculture.ny.gov/system/files/documents/2021/01/masterlistofagriculturalsoils.pdf.

Goal 6: Balance clean energy development with environmental protection and sustainability.

- Objective A: Mitigate the impacts of clean energy systems on environmental resources, such as forests, wildlife, and other protected resources.
- Objective B: Establish local policies, plans, and regulations that seek to balance growth and clean energy development with potential loss of open space, habitats, and natural resources.

Goal 7: Encourage a sense of pride in the community by cultivating a culture of environmental awareness, stewardship, and respect.

- Objective A: Support outreach efforts to educate the public on the benefits of clean energy technologies.

Goal 8: Take advantage of renewable and clean energy resources to mitigate and adapt to climate change.

- Objective A: Decrease the use of fossil fuels, thereby reducing the carbon footprint of [Village/Town/City].
- Objective B: Diversify energy resources to decrease dependence on the grid and increase local resiliency.

Goal 9: Align the [Village/Town/City's] policies with New York State policies and programs that support the combined benefits of clean energy and locally generated power.

- Objective A: Become more competitive for State and federal grants and tax benefits.
- Objective B: Support [or expand] efforts to accomplish Climate Smart Communities actions and implement strategies in the [local climate plan/local sustainability plan].
- Objective C: Support [or expand] efforts to accomplish Clean Energy Communities actions.

> ## Commentary: Clean Energy Communities and Climate Smart Communities Programs
>
> When identifying strategies to accomplish selected goals and objectives, local governments are encouraged to take advantage of NYSERDA's Clean Energy Communities (CEC) program and the NYS Climate Smart Communities (CSC) program. Both offer tools, resources, and technical assistance to municipalities looking to implement clean energy actions.
>
> To get started with the CEC and CSC programs, view additional information and request technical assistance at:
>
> - https://www.nyserda.ny.gov/CEC
>
> - https://climatesmart.ny.gov/
>
> Certain CEC High Impact Actions are directly aligned with corresponding CSC certification actions. For additional information, refer to the crosswalk table at: https://climatesmart.ny.gov/actions-certification/actions/#close
>
> The following section includes strategies which are aligned with the CEC and/or CSC programs; links to relevant resources are included where available.

5.2 Select Strategies and Develop Implementation Plan

After selecting goals and objectives, the municipality should identify strategies or actions to accomplish each objective. This section provides a selection of strategies with corresponding resources from relevant state programs to implement the objectives previously listed. A local government should review the list, select relevant strategies, and adapt them to local circumstances and priorities, as appropriate.

Model Strategies

Land-use Policies and Regulation
- Amend land-use regulations to facilitate solar energy systems and minimize impacts to agricultural lands, open space, and habitats and wildlife areas.

  - NYSERDA offers a Model Solar Law that may be customized or adapted to local circumstances, available at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Solar-Guidebook
  - The NYS Department of Agriculture and Markets created Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands, available at: nyserda.ny.gov/-/media/NYSun/files/Contractor-Resources/NYSAGM-guidelines-for-solar-construction-mitigation-ag.pdf

- Amend land-use regulations to facilitate wind energy development and minimize impacts to agricultural lands, open space, and habitats and wildlife.

  - NYSERDA offers a Wind Energy Guidebook for Local Governments, available at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Wind-Guidebook

- Adopt regulations to responsibly accommodate battery energy storage systems.

  - The New York State Battery Energy Storage System Guidebook for Local Governments includes a Battery Energy Storage System Model Law. Access the guidebook and model law at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Battery-Energy-Storage-Guidebook

- Require energy benchmarking for private buildings.

  - The CEC Program's High Impact Action – Benchmarking toolkit is available at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Benchmarking

- Adopt the NYStretch Energy Code to help accelerate energy reduction through local building energy codes.

  - The CEC Program's High Impact Action – NYStretch Energy Code toolkit is available at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/NYStretch-Energy-Code

- Support low-income affordable housing by facilitating solar + storage (solar photovoltaics and battery storage) through increased awareness, technical support, innovative financing options, and supportive programs and incentives.

  - Clean Energy Group presents actions that support solar + storage in Overcoming Barriers to Solar + Storage in Affordable Housing: A Survey of Multifamily Affordable Housing Developers at: https://www.cesa.org/resource-library/resource/overcoming-barriers-to-solar-storage-in-affordable-housing/.

- Adopt a municipal policy that promotes private adoption of EVs.

  - ElectrifyNY's EV Municipal Toolkit includes sample policy guidance for electric vehicles at: https://electrifyny.org/ev-municipal-toolkit/

Streamlining the Project Review and Approval Process

- Implement standard permit application materials tailored specifically to clean energy technologies; make permit applications, inspection information, and fee schedules available online; allow for digital permit application submissions using email or a web portal; set reasonable permit fees based on actual cost to administer; and create or utilize an existing inspection checklist for clean energy installations.

  - The CEC Program's High Impact Action – Unified Solar Permit toolkit is available at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Unified-Solar-Permit
  - NYSERDA's Battery Energy Storage System Guidebook for Local Governments (which includes a Model Permit and an Inspection Checklist for residential and small commercial battery energy storage systems) is available at: nyserda.ny.gov/StorageGuidebook

- Train code enforcement officials on the practical application of the energy code on active construction projects.

  - The CEC Program's High Impact Action – Energy Code Enforcement Training toolkit is available at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Energy-Code-Enforcement-Training

Funding and Financing

- Adopt a payment-in-lieu-of-taxes (PILOT) law.

  - NYSERDA's Solar Guidebook for Local Governments includes the NY Model Solar Energy System PILOT Law at nyserda.ny.gov/SolarGuidebook

- Establish a financing program for building energy efficiency.

  - The CEC Program's High Impact Action – Property Assessed Clean Energy (PACE) Financing toolkit is available at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Pace
  - The Energy Improvement Corporation (EIC) Open C-PACE Program enables eligible commercially owned buildings to secure funds for renewable energy projects and upgrades. Learn more at: www.eicpace.org/eicopencpace

- Introduce Community Choice Aggregation (CCA), which replaces the utility as the default electricity supplier and provides more control to lower overall energy costs, spur clean energy innovation and investment, improve customer choice and value, and protect the environment.

  - The CEC Program's Community Choice Aggregation toolkit is available at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Community-Choice-Aggregation

- Establish a program to connect low- to moderate-income residents with available funding opportunities supporting clean energy, energy efficiency, or related considerations.

  - NYSERDA offers programs to help income-eligible New Yorkers implement energy-efficient home upgrades. Learn more at: nyserda.ny.gov/All-Programs/Programs/Low-to-moderate-Income-Programs

- Establish a financing mechanism for local government projects, such as a revolving energy fund that can provide initial capital and use energy savings to replenish the fund, allowing for continuous energy improvements over time.

  - The CSC program's PE3 Action explains how local governments can implement a financing mechanism for government energy projects at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/36

Municipal Buildings and Sites

- Integrate energy efficiency and renewable energy into government facilities to reduce greenhouse gas (GHG) emissions and save taxpayer money.

  - The CEC Program's High Impact Action – Clean Energy Upgrades toolkit is available at: https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Clean-Energy-Upgrades

- Require energy benchmarking for municipal buildings.

  - The CEC Program's High Impact Action – Benchmarking toolkit is available at: https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Benchmarking

- Convert municipal facilities to all-electric with ground- or air-source heat pumps or solar thermal.

  - The CEC Program's High Impact Action – Clean Heating and Cooling Demo toolkit is available at: https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Clean-Heating-and-Cooling-Demo

- Evaluate existing lighting throughout local government buildings, and identify opportunities to upgrade to more efficient, longer lasting options.

  - The CSC program's PE3 Action helps municipalities implement interior lighting upgrades at: https://climatesmart.ny.gov/actionscertification/actions/#open/action/13

- Perform government building energy audits and use a phased approach to auditing a building's energy use that consists of three auditing levels.

  - The CSC program's PE3 Action explains how to carry out government building energy audits at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/12

- Adopt a Building Energy Management Systems (BEMS) to monitor, measure, and control energy use in buildings.

  - The CSC program's PE3 Action describes how to implement a BEMS at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/16

- Install solar technologies to increase the demand for renewable energy and set a positive example.

  - The CSC program's PE4 Action explains how local governments can install solar energy technologies at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/49

- Become a host site and enter into a long-term power purchase agreement (PPA) to offer a way to invest in renewable energy without having to manage the financing, ownership, operation, and maintenance of a solar, PV, wind or other type of renewable energy system.

  - The CSC program's PE4 Action shows how to establish a long-term PPA at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/50

Municipal Operations

- Conduct renewable energy feasibility studies that evaluate geographical, technological, financial, and regulatory considerations when implementing renewable energy in government operations.

  - The CSC program's PE4 Action presents information to help local governments conduct renewable energy feasibility studies at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/46

- Establish a new government operations emissions reduction target and implementation plan that includes targets for percent of government energy sourced from renewable energy (produced on-site or purchased from a utility).

- Use renewable energy resources for all of the municipality's electricity supply needs.

  - The CEC Program's High Impact Action – 100% Renewables Electricity toolkit is available at: https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Renewables-for-Municipal-Operations

- Install LED streetlights to save money and energy and reduce GHG emissions associated with electricity consumption.

  - The CEC Program's High Impact Action – LED Streetlights toolkit is available at: https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/LED-Streetlights-Toolkit

Municipal Fleet

- Install EV charging stations and other alternative fuel infrastructure.

  - The CEC Program's High Impact Action – Clean Fleets toolkit is available at: https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Clean-Fleets

- Compile complete and accurate information about vehicles owned and operated by local government.

  - The CSC program's PE3 Action explains how to conduct a fleet inventory at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/147

- Adopt a vehicle fleet efficiency policy that sets a fuel-efficiency standard for municipal vehicle acquisitions whenever they are commercially available and practicable.

  - The CSC program's PE3 Action details how to develop a fleet efficiency policy at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/21

- Encourage local governments to monitor their vehicle fleet composition and usage and identify opportunities to reduce fuel consumption by using the most appropriate vehicle for each task and reducing the overall number of vehicles if possible.

  - The CSC program's PE3 Action includes information about rightsizing municipal fleets at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/22

- Deploy alternative fuel vehicles in the municipal fleet and encourage the same for school bus fleets and private vehicles.

  - The CEC Program's High Impact Action – Clean Fleets toolkit is available at: https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Clean-Fleets
  - ElectrifyNY's EV Municipal Toolkit presents guidance to help local governments electrify municipal fleets at: https://electrifyny.org/ev-municipal-toolkit/

Municipal Leadership

- Participate in the CSC Certification program, which provides a framework for local governments to reduce greenhouse gas emissions and build community resilience to climate change.

  - Learn more about the process and requirements of the CSC Certification Program at: https://climatesmart.ny.gov/actions-certification/getting-started/

- Undertake a community campaign to increase local access to clean energy through group purchasing, such as a local Solarize campaign to increase number of solar rooftops, as well as locally organized community outreach that provides educational resources to constituents.

  - The CEC Program's High Impact Action – Community Campaigns toolkit is available at: nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Community-Campaigns

- Develop a campaign to support local green purchasing throughout the community.

  - The CSC program's PE8 Action explains how to undertake a buy local/buy green campaign at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/116

- Conduct a community-scale campaign that encourages adoption of new, innovative technologies for heating and cooling in buildings to generate value and savings for consumers while simultaneously advancing New York State's clean energy goals.

  - The CSC program's PE8 Action describes how to conduct a campaign focused on clean heating and cooling at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/152

- Introduce energy reduction campaigns to engage residents and businesses in creative ways to reduce their energy use and associated GHG emissions.

  - The CSC program's PE9 Action features information about conducting energy reduction campaigns at: https://climatesmart.ny.gov/actions-certification/actions/#open/action/123

Commentary: Implementation Plans

After developing a plan component, the municipality can recommend how its planning strategies should be implemented. An implementation plan designates the board or officials responsible for each strategy, identifies necessary resources, and establishes time periods for completing each action. Drafting a required new local law, for example, could be assigned to the municipal attorney, as well as interested community members who are knowledgeable about renewable development. The plan could also provide for adoption of the local law within 12 months of the effective date of the comprehensive plan component. When assigning responsibilities, identifying necessary resources, and adopting a time frame to accomplish specific actions, the municipality will discover whether suggested strategies are realistic. If they seem unrealistic, the board can devise new strategies to achieve the established objectives. The municipality can create an Implementation Plan Committee and annually review the plan and municipal budget simultaneously to link funding to plan priorities. To advance implementation, the final Comprehensive Plan should be posted on the municipal website.

Example Implementation Plan

Goal	Objective	Strategy	Responsible Party	Resources	Time Period
Goal 1: Support the transition towards clean energy sources.	Streamline the project review and approval process so it is efficient and predictable.	Adopt Unified Solar Permit.	Building Inspector	Unified Solar Permit Toolkit NYSERDA Clean Energy Communities Program	Three months

5.3 Complete the Legally Required Process

As required by NYS Village Law §7-722; Gen. City Law § 28-a; and Town Law § 272-a, the board preparing the plan must forward the completed comprehensive plan to the local legislature, along with the board's adopted resolution recommending the plan. The local legislature must make the plan publicly available and hold a public hearing within 90 days of receiving the plan. This is the second required public hearing. The first required public hearing must be held by the preparing board on the draft plan. The plan must be referred to the County Department of Planning for recommendations. If the local legislature or a special board created the plan, they also may forward the plan to the planning board for review and recommendations. Finally, the local legislature must review the draft plan under the New York State Environmental Quality Review Act (SEQRA). As the only board with the authority to adopt a comprehensive plan, the local legislature would serve as lead agency for this SEQRA review.

5.4 The New York State Environmental Quality Review Act: Evaluate the Environmental Impacts of the Proposed Comprehensive Plan

As described in Part 617 of New York State's Codes, Rules, and Regulations, SEQRA requires local agencies, including local legislatures and boards, to consider the potential environmental impacts of their actions, which include the adoption or amendment of a comprehensive plan. As a "Type I action" under SEQRA, a proposed comprehensive plan requires the lead agency to prepare a full Environmental Assessment Form (EAF) and determine whether the proposed plan is likely to create a significant adverse environmental impact. A community's local legislative body, whether a council or board of trustees, typically serves as the lead agency for managing the environmental impact process for a comprehensive plan. The EAF process requires evaluation of the plan's expected environmental impacts on 18 different topic areas including land; geologic features; surface water; groundwater; flooding; air; plants and animals; agricultural resources; aesthetic resources; historic and archaeological resources; open space and recreation; critical environmental areas; transportation; energy; noise, odor and light; human health; community plans; and community character.

As part of the EAF process, the impact analyst must determine whether the plan will potentially generate an environmental impact based on general criteria for each of the 18 topic areas. For example, actions involving physical construction constitute an environmental impact requiring the analyst to specify the nature and scale of the impact by answering more specific questions within the land topic area. While the analyst retains a certain level of discretion to determine the general impact of a proposed plan, these more refined questions help distinguish small impacts from moderate or large impacts through numeric or spatial threshold criteria for specific kinds of actions, such as construction. For example, an action resulting in construction on slopes of 15 percent or greater would be considered a moderate or large impact on land.

After completing an inventory of all the impacts in the 18 topic areas, the impact analyst must then determine the magnitude of the impact based on its expected severity, size, or extent. Part 617 regulations do not provide specific criteria for determining whether an impact is significant, but analysts generally consider a range of variables, including the specific environmental setting where the activity is proposed, the type of resource being impacted, and the values, history, and preferences of the community. If the EAF reveals the plan will not generate a significant environmental impact, the lead agency may then file a negative declaration and conclude the plan's environmental review, enabling the plan to be formally adopted by the locality. For proposed plans resulting in at least one significant adverse environmental impact, however, the lead agency must file a positive declaration and proceed toward the preparation of a generic environmental impact statement (GEIS) for the plan. The GEIS process requires a more intensive form of environmental impact analysis with more stringent requirements for scoping, technical analysis, and public review.

Unless there is a significant environmental impact revealed in the EAF, a lead agency is not required to generate a GEIS; however, a community may elect to undertake a full GEIS as a way to more deeply investigate the possible impacts of potential follow-up actions required to implement the proposed comprehensive plan. The GEIS process also may preclude the need for further environmental review of a potential action suggested in the comprehensive plan, such as a large-scale rezoning, specific development plan, or infrastructure enhancement. A GEIS identifies environmental conditions and develops standards and review thresholds to ensure future development is compatible with or protective of those conditions. When a final GEIS has been filed, no further SEQRA compliance is required if a subsequent proposed project will conform with the GEIS's established conditions and thresholds. However, a supplement to the final GEIS must be prepared if the final GEIS did not adequately address the subsequent proposed project and that project may have one or more significant adverse environmental impacts. A GEIS may help attract developers because it can significantly shorten a project's development timeline and diminish the time and money required to prepare a site-specific EIS. Additionally, the Part 617 regulations authorize a municipality to charge a portion of its GEIS preparation costs to developers of later projects as they submit permit applications, a highly cost-effective approach.

The NYS Department of Environmental Conservation and Department of State both recommend developing a GEIS for a new comprehensive plan, but there is no legal requirement that a locality must undertake a GEIS process for all comprehensive plans. Whether a locality undertakes only the EAF process or also the full GEIS process depends largely on the nature and level of commitment the municipality makes toward specific actions in the comprehensive plan. If the plan includes a clear commitment to specific zoning changes, development plans, or infrastructure changes, then a GEIS process may be advisable or even required, depending on the magnitude and significance of expected impacts revealed by the EAF. If the proposed comprehensive plan is strictly policy-based and makes commitments only to the further study and evaluation of possible actions, then the EAF may be the appropriate terminus of the environmental review process. Otherwise, a community's declaration of its overall vision and major policy goals may be unnecessarily delayed by still evolving planning concepts that merit significantly greater technical analysis, as well as their own independent environmental review.

6. Comprehensive Plan Resources

When drafting a clean energy comprehensive plan component, municipalities can consult the following guidance documents, examples, and funding sources. Municipalities should consult appropriate Regional Planning Agencies and Boards, including their County Planning Department/Commission/Boards, for more resources specific to their geographic region. A list of Regional Planning Agencies in the State can be found at: https://dos.ny.gov/planning-organizations

Comprehensive Planning Guidance Documents

Zoning and the Comprehensive Plan

NYS Department of State (2015)
https://dos.ny.gov/system/files/documents/2021/09/zoning-and-the-comprehensive-plan.pdf

Guide to Zoning and Planning Laws of New York State

NYS Department of State (current 2015)
https://dos.ny.gov/system/files/documents/2021/09/guide_to_planning_and_zoning_laws2.pdf

Sustaining Places: Best Practices for Comprehensive Plans (PAS 578)

David Godschalk, FAICP & David Rouse, FAICP American Planning Association (2015)
https://www.planning.org/publications/report/9026901/

PE6 Action: Comprehensive plan with Sustainability Elements

Climate Smart Communities (current 2018)
https://climatesmart.ny.gov/actions-certification/actions/#open/ action/66

The SEQR Handbook

New York State Department of Environmental Conservation (2020 4th Ed.)
https://www.dec.ny.gov/permits/6188.html

Knowledgebase Collection: Solar Energy

American Planning Association
https://www.planning.org/knowledgebase/solar/

Example Comprehensive Plans that Address Clean Energy

Town of Hunter, NY

The 2019 Town of Hunter Comprehensive Plan includes a goal to embrace and expand green energy and energy conservation initiatives with related community objectives to allow for and incentivize individuals and businesses to use solar electric generation facilities and allow for a strategically located community solar facility to benefit the environment and residents within the town. Access the Town of Hunter Comprehensive Plan at: http://townofhuntergov.com/wp-content/uploads/2019/04/Final-Plan-May-2019-With-Maps.pdf

Village of Voorheesville, NY

The 2018 Village of Voorheesville Comprehensive Plan features planning strategies that recommend updating zoning to address solar panel use in the Village, considering allowing roof-mounted solar panels as a permitted use for residential and businesses, and evaluating the desirability and feasibility of initiating a community solar program. View the 2018 Village of Voorheesville Comprehensive Plan at: http://www.villageofvoorheesville.com/DocumentCenter/View/653/Comprehensive-Plan-Adopted-June-2018

Town of Guilford, NY

The 2019 Town of Guilford Comprehensive Plan Update reaffirms the town's goal to encourage renewable energy use while recognizing other town values, features, and goals to consider when solar or other energy facilities are proposed, including agricultural priorities, rural and small-town character, property owner rights, natural resource conservation, and aesthetics. Learn more about the plan at: https://www.guilfordny.com/UserFiles/Servers/Server_9767290/File/Government/Comprehensive%20Plan/An%20Update%20to%20the%20December%202014%20Comprehensive%20Plan.pdf

Town of Reading, NY

The Town of Reading's 2017 Comprehensive Plan presents energy and technology action items that recommend adopting land-use code provisions for small-scale and large-scale solar installations, including a process to guarantee removal of equipment and full-site remediation at the end of an operating facility's life. Action items also suggest considering incentives, such as setback reductions, for commercial developments that use on-site renewable energy sources. Access the 2017 Comprehensive Plan at: http://www.townofreadingny.com/usr/Town-of-Reading-Comprehensive-Plan-2017.pdf

Town of Pine Plains, NY

The 2019 Town of Pine Plains Comprehensive Plan Update includes a goal to continue to improve the town's climate resilience and transition toward renewable energy sources. Related strategies include seeking grants to assist in funding clean energy initiatives as a designated Clean Energy Community. Review Parts 1 and 2 of the 2019 Town of Pine Plains Comprehensive Plan Update at: https://www.pineplains-ny.gov/wp-content/uploads/2020/01/PinePlainsCompPlanUpdate_Adopted_Part1-1.pdf and https://www.pineplains-ny.gov/wp-content/uploads/2020/01/PinePlainsCompPlanUpdate_Adopted_Part2.pdf

Town of Binghamton, NY

The 2017 Town of Binghamton Comprehensive Plan Update includes regulation review recommendations to prepare definitions for solar based on select criteria, including: the amount of energy generated, size and location of the system, whether the energy is used on-site (accessory use) or off-site (primary use), and other relevant factors. Recommendations also include reviewing and modifying the zoning and other relevant regulations as necessary to remove barriers for the use of small-scale solar energy systems. In addition, the plan recommends reviewing and modifying zoning and subdivision regulations as necessary to encourage as many new building lots as possible is recommended and offer maximum solar orientation. Learn more at: https://www.townofbinghamton.com/wp-content/uploads/2019/05/ComprehensivePlan2017FINAL.pdf

Town of Holland, NY

The 2018 Town of Holland Comprehensive Plan includes planning actions recommending additional solar energy development to reduce the need for fossil fuels at centralized power plants. Learn more at: http://www.townofhollandny.com/Town%20of%20Holland%20Comperhensive%20Plan%20FINAL%20(1).pdf

Imperial County, CA

Imperial County's General Plan features a renewable energy and transmission element with goals to support renewable energy development and to develop overlay zones that will facilitate renewable energy resources while preserving and protecting agricultural, natural, and cultural resources. Learn more at: http://www.icpds.com/CMS/Media/Renewable-Energy-and-Transmission-Element-2015.pdf

Pinal County, CA

The 2019 Pinal County Comprehensive Plan recommends supporting renewable energy opportunities through the County's land-use planning and permitting processes, and providing support for homeowner solar installations through regulations and taxation policies. The plan includes a goal to expand renewable energy in the County with related policies to implement property tax credits, remove code barriers, and develop renewable energy infrastructure, among others. To view Pinal County's comprehensive plan, go to: https://www.pinalcountyaz.gov/CommunityDevelopment/Planning/Documents/CompPlan/Comprehensive%20Plan%202020.pdf

Butte County, CA

Adopted in 2012, Butte County's General Plan 2030 includes an energy goal to promote a sustainable energy supply. Related policies include requiring developers to give homebuyers the option to incorporate renewable heat and power in new homes and using solar energy generation systems for County facilities. Access the Butte County General Plan 2030 at: https://www.buttecounty.net/Portals/10/Planning/ButteCountyGeneralPlan2030_May2018red.pdf?ver=2019-12-18-141822-357

Lawrence Township, Mercer County, NJ

In 2010, Lawrence Township adopted a Green Buildings and Environmental Sustainability Element of the Master Plan, which states that, "roof mounted solar panels, when mounted parallel to the roof, are the most desirable type of alternative energy," and that "with the exception of within historic districts, (roof mounted solar panels) provide the most unobtrusive form of renewable energy since they do not disturb the ground and are able to visually blend into the built environment." The plan recommends locating roof mounted solar panels where not visible from the front of historic buildings or buildings located in a historic district. The plan further states that ground arrays can be considered in appropriate areas of the Township and are best located on lands that are not prime farmland and those that do not serve as important wildlife habitat. Access Lawrence Township's Green Buildings and Environmental Sustainability Element at: https://www.lawrencetwp.com/media/Departments/EngineeringPlanningZoning/Reports MP Ammendments/Sustainability Element dated May 2010.pdf

City of Shakopee, MN

The City of Shakopee 2040 Comprehensive Plan features a goal to conduct education and outreach efforts to promote the use of renewable energy production systems. Related strategies include hosting or promoting events to educate the public on the benefits of private solar and wind energy and educating property owners and tenants on best practices for landscaping to allow future solar and wind energy development. To access the City of Shakopee 2040 Comprehensive Plan, visit: https://cld.bz/PxekcZu/364/

Town of Amherst, MA

Under a planning objective to apply principles of environmental sustainability town-wide, the 2010 Town of Amherst Master Plan includes a strategy to create zoning regulations and local tax incentives to encourage, or where possible, mandate the use of renewable energy sources, including solar energy. A similar strategy advocates providing incentives for use of alternative sources of renewable energy, including solar, and identifying programs that will facilitate use of alternative energy sources through public and private partnerships. Learn more at: https://www.amherstma.gov/DocumentCenter/View/3092/Master-Plan---Online-Version?bidId=

Comprehensive Planning Funding Sources

When embarking on a land-use planning or regulatory initiative, municipalities use a range of funding approaches. Communities often use municipal and private funds to finance these efforts but may leverage that funding with public grants geared toward specific types of initiatives. The sources listed below provide New York municipalities with several funding opportunities for local land-use planning initiatives. The following sources can provide funding for the completion of a comprehensive plan or a portion of the planning process. For example, some funding sources fund existing condition studies or planning for a specific area/resource. Communities need to think creatively about ways to leverage sources to fund comprehensive planning.

Climate Smart Communities Grant Program

This NYS Department of Environmental Conservation-led program provides 50/50 matching grants to NYS municipalities for eligible climate adaptation and mitigation projects in two broad categories:

- Implementation projects related to climate change adaptation (e.g., for flood risk reduction) and the reduction of greenhouse gases outside the power sector (e.g., for the reduction of vehicle miles traveled)

- Planning projects that advance actions aligned with Climate Smart Communities Certification requirements, especially in the areas of climate change adaptation, land-use, transportation, and organic waste management. For more information about the Climate Smart Communities Grant Program, visit: https://www.dec.ny.gov/energy/109181.html#CSC

Clean Energy Communities Program

Local governments can use the NYSERDA Clean Energy Communities program to implement clean energy actions, save energy costs, create jobs, and improve the environment. In addition to providing tools, resources, and technical assistance, the program recognizes and rewards leadership for the completion of clean energy projects. To learn more, visit https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities

Smart Growth Comprehensive Planning Grants:

The NYS Department of State Office of Planning and Development offers support to municipalities and planning entities looking to develop livable, sustainable, and equitable communities. The Smart Growth Comprehensive Planning Grant Program acts as a reimbursement program, providing grants on a competitive basis to assist with the development of new or updated municipal comprehensive plans. For more information about Smart Growth Comprehensive Planning Grants, visit: https://dos.ny.gov/2021-2022-smart-growth-comprehensive-planning-grant-program

Empire State Development Grants

The NYS Empire State Development (ESD) Strategic Planning and Feasibility Studies Program provides funding for working capital grants of up to $100,000 each to support (1) strategic development plans for a municipality or a significant part thereof, and (2) feasibility studies for site(s) or facility(ies) assessment and planning.

Eligible projects should focus on economic development purposes, and preference is given to projects located in highly distressed communities characterized by pervasive poverty, high unemployment, and general economic distress. Additionally, every year each Regional Economic Development Council nominates a municipality in its region to receive a $10 million Downtown Revitalization Initiative grant to develop a downtown strategic investment plan and implement key catalytic projects that advance the community's vision for revitalization. Nominated communities can use that award to create or update a comprehensive plan. To learn more about ESD grant funds, visit: https://esd.ny.gov/empire-state-economic-development-fund-program.

For more information about ESD's Strategic Planning and Feasibility Studies Program, go to: https://esd.ny.gov/strategic-planning-and-feasibility-studies-program, and to access information about the Downtown Revitalization Initiative, visit https://www.ny.gov/programs/downtown-revitalization-initiative.

Environmental Protection Fund: Local Waterfront Revitalization Program Grants

The NYS Department of State Office of Planning and Development implements a reimbursement program that provides grants on a competitive basis to eligible municipalities located along New York's coast or designated inland waterways to revitalize communities and waterfronts through planning, design, and construction projects. Design and construction must be tied to a prior approved or substantially completed Local Waterfront Revitalization Program or relevant component. Construction projects must be on public property or where a permanent public interest, such as a conservation easement, has been established. For more information about Local Waterfront Revitalization Program Grants, visit: https://dos.ny.gov/local-waterfront-revitalization-program.

Local Government Efficiency Program

This NYS Department of State Division of Local Government Services program helps local leaders identify best practices and implement actions to reduce municipal expenditures, limit growth in property taxes, and increase efficiencies in service delivery. Local governments may apply for intermunicipal implementation planning and implementation projects. To learn more about the Local Government Efficiency Program, visit: https://dos.ny.gov/about-local-government-efficiency-0.

Farmland Protection Planning Grants Program

Administered by the NYS Department of Agriculture and Markets, the Farmland Protection Planning Grants Program funds the development of local farmland protection plans that identify agricultural land to be protected and recommend policies and strategies to support the agricultural industry and its supporting land base. Learn more at: https://agriculture.ny.gov/land-and-water/farmland-protection-planning-grants-program.

NYS Brownfield Opportunity Area (BOA) Program

The NYS Department of State BOA Program provides grants to help New York municipalities and community organizations establish effective revitalization plans and strategies that return dormant and blighted parcels into productive, catalytic properties. BOA funded projects may be reimbursed for up to 90 percent of the total eligible project costs. For more information about the BOA Program, visit: https://dos.ny.gov/brownfield-redevelopment.

Generic Environmental Impact Statements (GEIS)

Local officials can use a GEIS to help pay for comprehensive planning in environmentally sensitive and developing areas. SEQRA regulations allow municipalities to charge a portion of GEIS preparation costs to developers of later projects as development applications are submitted, see: https://www.dec.ny.gov/permits/357.html.

Industrial Development Agencies (IDA)

IDAs have supported comprehensive planning as it relates to economic welfare in a community. To learn more visit: https://www.osc.state.ny.us/localgov/pubs/research/idabackground.pdf. Visit the NYS Authorities Budget Office website for a list of county and local IDAs in NYS at: https://www.abo.ny.gov/paw/paw_weblistingIDA.html.

Community Development Block Grant (CDBG) Program

The U.S. Department of Housing and Urban Development's CDBG program provides municipalities with resources to address community development needs, including access to affordable housing, services for vulnerable communities, and job creation through business expansion and retention. Eligible activities include those that benefit low- to moderate-income community members, prevent or eliminate slums or blight, or address community development needs stemming from existing conditions that pose a serious and immediate threat to the health or welfare of the community for which other funding is not available. To learn more about the CDBG Program, see: https://www.hud.gov/program_offices/comm_planning/cdbg.

Federal Emergency Management Agency (FEMA) Hazard Mitigation Planning

The Robert T. Stafford Disaster Relief Act, as amended by the Disaster Mitigation Act of 2000, requires State, tribal, and local governments to develop Hazard Mitigation Plans (HMP) as a precondition to receive non-emergency disaster assistance after a declared disaster. HMPs are paid for in full by FEMA and are used to eliminate risk and increase resiliency in communities before and after a disaster. HMPs identify community risks, vulnerabilities, capabilities, and response policies. Communities can utilize FEMA's HMP funding and the HMP planning process to explore and identify clean energy capacity and actions that may be used to reduce and mitigate future disasters. Learn more by visiting: https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning.

Private Funding

In addition to public sources of funding available to municipalities for land-use planning and regulatory initiatives that facilitate economically viable smart-growth development, municipalities can seek private grants or partnerships with developers to help fund these efforts.

7. Appendix A

Designing Effective Community Meetings

Community meetings require a designated meeting organizer to design, manage, and lead public engagement efforts. Once selected, the meeting organizer should follow the step-by-step approach outlined below to design an effective community meeting. These steps include defining and communicating the meeting's purpose, identifying appropriate meeting participants, coordinating meeting logistics, creating a meeting environment that encourages participation, and maintaining continued lines of communication.

Step 1: Define the Purpose of the Meeting

The meeting organizer should carefully consider the scope of the meeting and clearly communicate the meeting's purpose to participants. Be clear about exactly what issues participants can influence, and which are non-negotiable. This helps define the type of information and feedback sought from participants and informs how the organizer should approach the engagement to focus participants' input and manage their expectations.

It is helpful to frame clean energy development as an issue for which the community should discuss alternatives, solutions, and consequences. Example questions to ask participants include:

- What are the benefits of clean energy development and policy in our community?

- What are potential issues or concerns with clean energy development?

- What are some strategies to overcome these issues or concerns?

- Are there specific clean energy technologies that the community should encourage or pursue? (solar, wind, battery energy storage, etc.)

Answering these questions through a facilitated conversation can help define concerns and issues and identify a wider range of potential solutions. Framing positive questions helps set the right tone from the start. Using flip charts and markers to document feedback and breaking out into small groups can help facilitate dialogue and discussion. Recording participants' thoughts and ideas shows that meeting facilitators are listening and value their contributions.

Step 2: Identify Individuals and Groups Who Should Be Involved

Prior to convening a meeting, the organizer should determine who should participate in the community's clean energy discussion. Each participant brings a set of skills, viewpoints, experiences, and resources to the table. Identify and include groups and individuals who have an interest in sustainability, renewables, and clean energy development, as well as those who can propel the clean energy initiative and those capable of halting the process. Key stakeholders may include:

- Municipal staff

- Local elected officials

- Land-use board members

- Historic preservation or other committee members

- Local developers

- Prominent business owners

- Fire and rescue personnel

- Prominent landowners or farmers

- Local environmental activists, citizen groups, or non-profits

- Environmental justice advocates

- Representatives of disadvantaged or underrepresented communities

- Homeowner association members

- Utility representatives

Step 3: Coordinate Meeting Logistics

To accommodate various stakeholder needs, the meeting organizer should identify and choose a meeting venue that attracts participants with a variety of perspectives from different areas of the community. Meeting venues should be convenient and accessible. If meeting in person is not possible, the organizer should consider alternative methods for public engagement, including virtual conferences, livestreams, or dial-in conference calls. The organizer should employ the virtual meeting best practices discussed in the resource guide.

Meetings should be held at appropriate times that avoid excluding potential participants and that are convenient to as many people as possible, and the facilitator should hold two or even three meetings at different dates and times to accommodate and attract as many people as possible. Finally, the facilitator should publicize the meetings well.

Step 4: Create a Positive Environment for Citizen Engagement

Meeting organizers also should take steps to create a positive environment for citizen engagement. Essential components for a successful meeting include distributing detailed agendas stating the purpose and goal, establishing ground rules for participation, offering refreshments, and proper room set up. When discussion begins, the facilitator should help participants discuss their underlying interests instead of merely stating their positions on clean energy development. Local decisions about clean energy should result from the successful consideration of diverse stakeholder interests through a participation process that helps the parties identify these interests, identify options based on determined interests, and select identified options that meet shared interests.

After any public meeting, the facilitator should create a meeting summary to post online and send to event participants. The meeting organizer should continue to ask the question, "Who else should be kept informed or updated on this effort?" In addition to encouraging citizen participation and input at community meetings, public engagement processes should consider other stakeholders and individuals who should be kept informed.

Step 5: Maintain and Continue Open Lines of Communication

As decision-makers move the process along, the meeting facilitator should continue to meet with and engage the public. A public information effort should educate community members about relevant technical information, as well as the legal and land-use requirements that will dictate certain decisions throughout the process. Follow-up meetings should be scheduled to continue and build on previous work and maintain relationships cultivated between stakeholders.

Additionally, meeting organizers should consider how, when, and how often to give feedback to process participants. Participants likely will want to know how their contributions have shaped or changed clean energy development plans, policies, or projects. Think about how to respond to participants at the start of the planning process. Preparing set feedback opportunities prior to launching an engagement activity shows participants that meeting facilitators have carefully planned the entire process. Many public engagement processes fail to provide adequate feedback, which may contribute to future public apathy if participants feel their contributions are disregarded or have no indication how their comments informed the process.