

Vermont Housing and Conservation Board
PRELIMINARY GUIDELINES FOR NRCS-DEFINED ON-FARM ENERGY PRODUCTION
December 2015

These Guidelines apply only to farm projects from 2014 and later that were conserved with NRCS-ALE funding and have an NRCS-ALE approved easement.

MINIMUM ELIGIBILITY

The phrase “on-farm energy production” as used in the NRCS-ALE template easement means renewable energy installations, regardless of ownership structure or capacity size, that are designed to meet some or all of the conserved property’s agricultural and residential energy needs. These installations can be reviewed as structures for “on-farm energy production” as that term is used in NRCS-funded easements starting in 2014 if:

1. They generate energy or provide some form of energy credit for the agricultural and residential needs of the conserved property;
2. They are built and maintained within the impervious surface limits of the easement;
3. They do not have a footprint of larger than 5 acres, where footprint is defined as the total area encompassing the installation and its related access ways and improvements;
4. The land beneath the installation can be used for an agricultural purpose, such as grazing, beekeeping, or growing crops;
5. The installation is owned or leased to the owner of the conserved property, or a site for a third party installation is made available to the third party through a license or lease of no longer than 25 years, which can be renewed upon mutual agreement of the landowner and the third party, and upon approval of the easement holders; and
6. If a third party owns the installation, the third party agrees to a VHCB-approved bonded reclamation plan such that if the installation ceases operation and/or the governing agreement is cancelled, the site is returned to its former condition.

Excess power generated by these installations may be sold to a power company or other energy users.

CRITERIA FOR REVIEW AND APPROVAL

Once VHCB determines that a renewable energy proposal meets minimum eligibility, VHCB will then review the proposal under the following criteria:

General Criteria (all types of renewable energy)

Relationship to easement purposes: All projects must be designed to be neutral or beneficial to the conservation easement purposes, and to minimize impacts to conservation values on the property.

Community input: Project review may include engaging with community members, funders, and key stakeholders, and taking multiple viewpoints into consideration.

Other permits and approvals: All projects must secure applicable local, state, and federal permits and approvals, possibly including a Certificate of Public Good from the Public Service Board, and any permits that may be required by the Vermont Agency of Natural Resources.

Affordability: VHCB will consider the proposal's impact on the future affordability/accessibility of the conserved property.

Location within complexes: VHCB will give preference to proposals that would locate installations inside established farmstead or building complexes.

Location on less productive land: VHCB will give preference to facilities located on less productive portions of working lands (but not in sensitive natural areas or wetlands).

STAs and archeology: Renewable energy installations shall not be placed within Special Treatment Areas, including riparian buffers zones, surface water protection zones, and archeological zones, unless the easement language for such zones clearly allows for structures that would have minimal impact on the conservation or archeological values for those zones.

River corridors and floodways: The installations must not be located in mapped river corridors or floodways.

Mapped floodplains: Installations located within a mapped floodplain, but outside the river corridor and floodway, should be adequately anchored to resist collapse, flotation, or lateral movement during floods. The Vermont Agency of Natural Resources River Corridor and Floodplain Management Program should be consulted for more detailed analysis of installations proposed within floodplains.

Surface waters: All renewable energy structures should be set back a minimum of 50 feet from the top of the bank of any surface water.

Off-site impacts: VHCB may require proposals to include an assessment of, and mitigation plan for off-site impacts, such as aesthetics, noise, increased traffic, and glare.

Prime soils: Third party installations must not be located on NRCS-rated prime soils unless they are sited within pre-designated building complexes.

Decommissioning: All projects with third party owners/operators must have a bonded decommissioning plan.

Legal agreements: All projects with third party owners/operators must disclose the legal arrangements underpinning the project and VHCB will review the arrangements to determine whether or not they are compatible with the conservation easement.

Additional Criteria for Solar Installations

Scale: VHCB uses a guideline of 1 percent of the conserved property's area as the normal maximum for the footprint of a solar array, when footprint is defined as the total area encompassing the installation and its related access ways and improvements. Larger installations may be considered, but approval will depend in part upon the features of the property, the ability to site the facility on less productive land, potential scenic impacts, and funding and community considerations. Priority may be given to farmer-owned installations larger than 1 percent that are meant to serve the energy needs of the conserved farm.

Siting: Solar arrays should be sited close to existing structures or with a backdrop of vegetation.

Scenic resources: Solar projects should be designed to minimize impacts on scenic resources including open spaces, distant views, distinct natural features, and cultural resources (e.g. historic structures) by using natural screening, setting installations back from the roadside or other vantage points when not near existing structures, and placing them on lands that are less scenic. VHCB approval may be conditioned on installation of appropriate vegetative screening. In evaluating scenic impact, VHCB will be guided by a document prepared by landscape architect Jean Vissering entitled “Renewable Energy Guidelines for VHCB Conservation Lands” dated August 27, 2013.

Associated infrastructure: All associated infrastructure (e.g. inverter and monitoring equipment) should be located and organized to be as unobtrusive as possible.

Roof-mounted panels: Roof-mounted panels should be designed to reflect the architectural lines and features of historic structures.

Ground insertion: Installations should not require permanent concrete or paved areas, but should use posts inserted into the ground without concrete or set on top of the surface with floating ballasts to avoid long-term impact to soils.

Agricultural use: VHCB will prioritize projects that will have active (not just potential) agricultural use underneath the solar arrays (such as animal grazing, bee yards, or growing crops).