



# **GARNET ENERGY CENTER**

**Case No.: 20-F-0043**

**1001.4 Exhibit 4**

**Land Use**

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## Exhibit 4: Land Use

This Exhibit will track the requirements of Final Stipulation 4, dated March 5, 2021, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.4.

The Project has been sited to avoid and/or minimize potential impacts to land uses within the Project Area and Study Area to the maximum extent practicable as detailed in this Exhibit. The Project Components have been sited to focus development on previously cleared and disturbed land that has historically been used for agricultural purposes. Of the overall 2,288.7-acre Project Area assessed, only approximately 37.2 percent will be used for Project Components within a fenced area of approximately 1,053.7 acres to generate 200 MW of renewable energy (Section 4(a)). Remaining land outside of the Project's fenced area will remain under its existing uses. Additionally, although the Project is sited within mapped Agricultural Districts, the fenced area will only occupy 0.3 percent of all lands designated as Agricultural Districts within Cayuga County and 5.9 percent of all lands designated as Agricultural Districts within the Town of Conquest (Section 4(a)). There are approximately 1,053.7 acres of agricultural districts within the fenced area, 17,949.8 acres within the Town of Conquest, and 360,723 acres within Cayuga County. Within the LOD (1,199.8 acres), approximately 529.5 acres (44.1 percent) of soil are classified as being within mineral soil groups 1 through 4 and 670.1 acres (55.9 percent) of soil are classified as being within soil groups 5 through 10. Of the 529.5 acres of soil within the LOD that are classified in mineral soil groups 1 through 4, only 2.8 percent (14.7 acres) will be permanently impacted by the installation of Project Components.

The Project proposes to install fixed racking systems. The fixed array racking systems to be utilized will be similar to the MaxSpan fixed tilt racking system, specification sheets of which have been included as Appendix 2-2. The Applicant intends to utilize a solar module similar to the Jinko Solar Eagle 72HM G2 380-400-Watt Mono Perc Half Cell modules. A specification sheet for this module has been included as Appendix 2-1.

Due to unknown market decisions regarding the availability of solar modules in the near future with a commercial operation date of 2023, the Applicant is also considering the use of tracker racking systems. Only selected elements of the Project would change based upon the selection of array racking system types used, but all changes would be within the Component fence line and to the same land uses shown in the Proposed Layout. The location of interior access roads and inverters, depending upon the final locations, could differ from that shown in the Exhibit 11

plans. Land coverage ratios will also be adjusted but they are not expected to be substantial or significant. No new or significant adverse environmental impact would occur from choosing one system over the other. Accordingly, the drawings, plan and maps presented in Exhibit 11 depict the use of fixed racking systems. As part of the alternative layout evaluation, Exhibit 9 presents further discussion of utilizing tracker racking systems.

#### **4(a) Existing Land Use**

Figure 4-1 has been prepared using available Geographic Information System (GIS) data from the Cayuga County Office of Real Property and the New York State (NYS) Office of Information Technology Services GIS Program Office within the Study Area (2-mile radius from the Project Area boundaries). The Cayuga County Office of Real Property data set, derived from the Property Class attribute, was used to produce Figure 4-3. The Study Area includes approximately 27,722.0 acres of land (inclusive of the 2,288.7-acre Project Area). Land Use Classification Codes have been applied by the County to each parcel within the County to describe its primary use.

##### ***(1) Land Use Classification Codes***

Land Use Classification Code categories developed by the New York State Office of Real Property Services (NYSORPS) that occur within the Study Area include Agricultural, Commercial, Community Services, Industrial, Public Services, Recreation and Entertainment, Residential, Vacant Land, and Wild, Forested, or Conservation Lands and Public Parks. Land Use Classification Codes describe the primary use of each parcel and are consistent throughout New York State. Each land use classification that occurs within the Study Area is described below and shown on Figure 4-1.

##### ***Agricultural – 100***

The NYSORPS describes agricultural land as property used for the production of crops or livestock. Approximately 11,675 acres within the Study Area are classified as Agricultural Land (Code 100). Approximately 200,117.7 acres are identified as Agricultural Land (Code 100) in Cayuga County. The NYSAGM further classifies lands that are certified as Agricultural Districts pursuant to the New York Agricultural Districts Law (Article 25-AA of the Agriculture and Markets Law). Approximately 360,723.7 acres of land are mapped as Agricultural Districts within Cayuga County, including 17,949.8 acres in the Town of Conquest.

The Project Area was evaluated to determine impacts to Agricultural Land, including mapped Agricultural Districts, as part of the Project. A total of approximately 1,234.2 acres of NYSORPS-classified Agricultural Land (Code 100) is mapped within the Project Area. The Project will have a fenced-in area of approximately 1,053.7 acres. Although the Project is sited entirely within mapped Agricultural Districts, the fenced area will only occupy 0.3 percent of all lands designated as mapped Agricultural Districts within Cayuga County and 5.9 percent of all lands designated as Agricultural Districts within the Town of Conquest. Finally, of the 1,180.2 acres of LOD within the Project Area, only 485.6 acres will occur on land classified as Prime Farmland which is only 6.8 percent of all Prime Farmland within the Town of Conquest, and 0.3 percent of all Prime Farmland within Cayuga County. Table 4-1 includes the temporary and permanent impacts to soil and demonstrates that the Project will result in minimal impacts to agricultural land.

**Table 4-1. Project Facility Impacts to Agricultural Districts and Prime Farmland**

<b>County</b>	<b>Temporary Soil Impact within Agricultural District 5 (CAYU005)</b>	<b>Permanent Soil Impacts (not being restored) within Agricultural District 5 (CAYU005)</b>	<b>Percentage of Permanent Impact on Prime Farmland Within County</b>
Cayuga	1,175.4 acres	24.4 acres	<0.01%

Currently, the agricultural land within the Project Area can be broken down into hay (alfalfa and non-alfalfa), soybeans, corn, fallow/idle cropland, grassland/pasture, sorghum, winter wheat, and small amounts of rye, oats, apples, grapes, and Christmas trees. There are approximately 88.1 acres of hay (alfalfa and non-alfalfa), 517.3 acres of soy, 576.0 acres of corn, 2.0 acres of fallow/idle cropland, 51.9 acres of grassland/pasture, 10.8 acres of sorghum, 9.5 acres of winter wheat, and 4.6 acres of other uses (rye, oats, apples, grapes, and Christmas trees), as shown on Figure 4-6. Acreages may differ from year to year as farmers often rotate their crops and other uses could occur in the future.

The construction and operation of solar facilities are typically located within designated Agricultural Districts in NYS. Solar facilities have minimal soil impacts on the land, and landowners have the opportunity to restore the land to its agricultural potential following decommissioning.

Refer to sections 4(r) through 4(w) below for additional information regarding potential impacts to agricultural land.

### ***Residential – 200***

The NYSORPS describes residential land as property used for human habitation. Living accommodations such as hotels, motels, and apartments are included in the commercial category (400). The NYSORPS classifies approximately 9,925.0 acres (1,169 parcels) of the Study Area as Residential Land (Code 200). There are multiple residential properties within the Project Area. The residential land within the Study Area consists of a mix of one- to three-family residential properties (Codes 210, 220, and 230), residences with over 10 acres of land (Code 240), residential properties also used in agricultural production (Code 241), recreational residential land (Code 242), seasonal residences (Code 260), mobile homes (Codes 270 and 271), and multi-purpose/multi-structural residential buildings (Code 280).

### ***Vacant Land – 300***

The NYSORPS describes vacant land as property that is not in use, is in temporary use, or lacks permanent improvement. Approximately 4,554.3 acres (384 parcels) of the Study Area are classified as Vacant Land (Code 300). There are 11 parcels classified as Vacant Land within the Project Area, and 384 parcels within the Study Area (Figure 4-1). The Vacant Land within the Study Area, inclusive of the Project Site, consists of a mix of residential vacant land (Code 311), residential land including a small improvement (not used for living accommodations) (Code 312), rural vacant lots of 10 acres or less (Code 314), rural (Code 320), abandoned agricultural land (Code 321), residential vacant land over 10 acres (Code 322), other rural vacant lands (Code 323), vacant land located in commercial areas (Code 330), commercial vacant land with minor improvements (Code 331), and public utility vacant land (Code 380).

Specifically, the vacant land within and directly adjacent to the Project Area is classified as residential (Codes 311, 312, and 322), rural (Codes 314 and 323), and agricultural (Code 321).

### ***Commercial - 400***

The NYSORPS describes commercial land as property used for the sale of goods and/or services. There are 25 parcels (comprising approximately 20.3 acres) classified as Commercial Land Use (Code 400) properties located within the Study Area in Cayuga County. There are no properties

classified as Commercial Land Use within the Project Area. The nearest Commercial Land Use parcel is located 0.4 miles southwest of the Project Area. Commercial Land Uses within the Study Area include apartments (Code 411), diners and luncheonettes (Code 422), bars (Code 425), motor vehicle services (Code 430), auto dealers-sales and service (Code 431), service and gas stations (Code 432), auto body, tire shops, and other related auto sales (Code 433), medium retail outlet (Code 456), bank complex with office building (Code 463), funeral homes (Code 471), downtown row type- detached (Code 481), converted residence (Code 483), and one story small structure (Code 484). These properties are primarily located within the more developed areas near the Town of Conquest and the Village of Cato. Impacts to these areas are not anticipated as the Project avoids these Commercial Land Use designated areas.

### ***Recreation & Entertainment - 500***

The NYSORPS describes recreation & entertainment as property used by groups for recreation, amusement, or entertainment. There are 6 Recreation & Entertainment Land Use (Code 500) properties within the Study Area of the Project. These properties comprise approximately 62.9 acres of the Study Area. There are no Recreation & Entertainment properties located within the Project Area. Recreation and Entertainment land within the Study Area consists of public golf courses (Code 552), camping facilities (Code 582), playgrounds (Code 591), athletic fields (Code 592), and picnic grounds (Code 593). No impacts to these or other Recreation and Entertainment Land Uses will result from the Project.

### ***Community Services – 600***

The NYSORPS describes community service land as property used for the well-being of the community. There are 25 Community Service Land Use (Code 600) properties within the Study Area of the Project. These properties comprise approximately 100.3 acres of the Study Area. There are no Community Service Land Use properties located within the Project Area. The closest properties are approximately 0.3 mile southwest of the Project Area. Community Services land within the Study Area consists of libraries (Code 611), schools (Code 612), religious buildings (Code 620), benevolent and moral associations (Code 632), homes for the aged (Code 633), highway garages (Code 651), office buildings (Code 652), police and fire protection, electrical signal (Code 662), recreational facilities (Code 682), and cemeteries (Code 695). No impacts to these or other Community Services Land Uses will result from the Project.



### ***Industrial – 700***

The NYSORPS describes industrial land as property used for the production and fabrication of durable and nondurable man-made goods. There is 1 Industrial Land Use parcel comprising approximately 26.6 acres within the Study Area. There are no Industrial Land Use parcels within the Project Area. The closest Industrial Land Uses are located in the Village of Cato, which is located approximately 1.5 miles northeast of the Project Area. Those parcels consist of manufacturing and processing land (Code 710). No impacts to these or other Industrial Land Uses will result from the Project.

### ***Public Services – 800***

The NYSORPS describes public services land as property used to provide services. There are 19.8 acres of Public Services Land (Code 800) within the Study Area and no Public Services Land properties located within the Project Area. However, one Public Services land use parcel is located adjacent to the Project Area, which serves as a town landfill. Public Service land within the Study Area includes water supplies (Code 822), telephone (Code 831), landfills and dumps (Code 852), and electric substation/electric power generation facilities (Code 872). No impacts to these or other Public Services Land Uses will result from the Project.

### ***Wild, Forested, or Conservation Lands and Public Parks – 900***

The NYSORPS describes Wild, Forested, Conservation Lands, and Public Park as reforested lands, preserves, and private hunting and fishing clubs. There are no Wild, Forested, or Conservation Lands and Public Parks properties within the Project Area. However, 20 Wild, Forested, or Conservation Lands and Public Parks properties are located within the Study Area, totaling 292.2 acres. These parcels are part designated as state-owned public parks, recreation areas, and other multiple uses (Code 961), county-owned public parks and recreation areas (Code 962), and wetlands, either privately or governmentally owned, subject to specific restrictions as to use (Code 971). The closest to the Project Area is located immediately adjacent to the northwesternmost Project parcel. No impacts to these or other Wild, Forested, or Conservation Lands and Public Parks Land Uses will result from the Project.

**Table 4-2. Land Use Classification Codes within the Study Area**

<b>Land Use Classification Code</b>	<b>Acreage within Study Area</b>	<b>Percentage of Study Area</b>
Agricultural (100)	11,676.0	42.0%
Residential (200)	9,906.5	35.6%
Vacant Land (300)	4,553.5	16.4%
Commercial (400)	20.3	0.1%
Recreation and Entertainment (500)	62.9	0.2%
Community Services (600)	100.3	0.4%
Industrial (700)	26.6	0.1%
Public Services (800)	19.8	0.1%
Wild, Forested, Conservation Lands and Public Parks (900)	292.2	1.1%
Land code data was obtained from NY GIS Clearing House county centroid point data and Cayuga County Tax Map Online Viewer.		

**4(b) Existing Utility Facilities Map**

Figure 4-2 illustrates known existing major electric, gas, refined products, and telecommunications facilities within the 2-mile Study Area. As illustrated within the figure, two existing electric transmission lines and one natural gas pipeline cross through the northern portion of the Project Area. The transmission lines are both owned by the New York Power Authority (NYPA) and the natural gas pipeline is owned by Empire Pipeline Inc.

Utility facilities in the Study Area include multiple oil and gas wells, multiple communication and microwave service towers, additional electric transmission lines, and an electric substation, which are depicted on Figure 4-2. The only utility facilities located within the Project Area are the existing electric transmission lines, and an existing natural gas pipeline.

#### **4(c) Tax Parcel Map**

Information on the current land use, tax parcel number, and owner of record for each property within the Project Area, as well as adjacent parcels is depicted on Figure 4-3. As discussed in Section 4(f), there are no publicly known proposed land uses for any of these parcels within the Project Area that would be depicted on Figure 4-4. This information is based on data obtained from Cayuga County, local zoning maps, and field observations of vacant land, where possible. As previously stated, the vacant land within and adjacent to the Project Area is classified as residential vacant land (Code 311), residential land including a small improvement (not used for living accommodations) (Code 312), rural vacant lots of 10 acres or less (Code 314), abandoned agricultural land (Code 321), residential vacant land over 10 acres (Code 322), and other rural vacant lands (Code 323). Consultation letters were sent to the municipalities within the Study Area to inquire about land uses, but no responses have been received as of the filing of this Application.

#### **4(d) Existing and Proposed Zoning Districts**

The Project Area is located within the Town of Conquest, which does not have zoning regulations in effect. A scaled map of the existing zoning districts within the surrounding municipalities, comprising the Study Area, is included as Figure 4-4. The Study Area includes portions of the Town of Conquest, Town of Ira, Town of Victory, Town of Mentz, Town of Brutus, Town of Cato, and Village of Cato, all within Cayuga County. A description of the zoning districts for these municipalities within the Study Area is presented below, including permitted and prohibited uses within each zone. Citations of sources reviewed are included in the References section.

##### ***Village of Cato***

None of the parcels within the Project Area are within the Village of Cato. The Village of Cato is located approximately 0.9 miles northeast of the Project Area. The Village of Cato Zoning Law Article III, Section 300 establishes five zoning districts. This code and zoning map are not available online. The districts include Agricultural Residential District (AR), Residential District (R), Commercial District (C), Agricultural-Industry District (AI), and Flood Hazard District (FH). Discrepancies were observed in the Zoning Law in that the zoning districts listed in Article III, Section 300 do not match the districts listed in the Table in Section 404 and the FH district is entirely missing from the Table. Districts in the Table are: Agricultural Residential District (AR), Residential District (R), Commercial District (C), Industrial District (I). The Study Area is located

in the AR, R, C, AI, and FH District(s). The permitted uses and prohibited uses for each district are listed below.

Permitted uses in the Agricultural Residential (AR) District include agricultural uses, one-family dwelling on a separate lot, two-family dwelling, cemeteries, churches, parish houses, convents and recreational facilities. Uses that are not permitted in the Agricultural Residential (AR) District include private camp/park, bank, convenient store with or without gas pump, wholesale business, storage in an enclosed area, and building in any floodplain area.

Permitted uses in the Residential District (R) include agricultural uses, one-family dwelling on a separate lot, two-family dwelling, parish houses, convents and recreational facilities. Uses that are not permitted in the Agricultural Residential (AR) District include cemeteries, private camp/park, bank, convenient store with or without gas pump, motel, hotel, private club or lodge operated by non-profit, automotive repair shop, sale of building materials, wholesale business, storage in an enclosed area, and building in any floodplain area.

Permitted uses in the Commercial District (C) include agricultural uses, one-family dwelling on a separate lot, two-family dwelling, churches, parish houses, convents, library, bank, service business (barber shop, beauty shop, laundry, cleaning, tailor, dressmaker, photography studio) printing shop, repair for appliances, bicycles, carpentry, plumbing shop, electrical and masonry offices, motel, hotel, private club or lodge operated by non-profit, personal health service office (doctor, dentist, optometrist, clinic) automotive repair shop, wholesale business, and storage in an enclosed area. Uses that are not permitted included cemeteries, private school, private camp/park, and building in any floodplain area.

The Agricultural-Industry District (AI) and the Flood Hazard (FH) are not listed in the Table in Section 404.

### ***Town of Cato***

The Project Area is not within this Town. The Town of Cato is located approximately 0.2 miles east of the Project Area. Land Use from the Code of the Town of Cato, dated December 1, 1987 and available online at <https://www.cayugacounty.us/DocumentCenter/View/1297/Land-Use-2007-PDF>, establishes five land use districts. The districts are shown on the zoning map available online at <https://www.cayugacounty.us/DocumentCenter/View/7584/2019-03-21-Cato---Zoning-Map>, and they include Residential (R), Agricultural (A), Recreational (S), Industrial (I), Disposal

(D), and Planned Development (PDD). The Study Area is located within the A, R, and PDD districts. The permitted uses for each district are listed below.

Permitted uses in the Residential (R) District include single-family dwellings and customary agricultural operations, and accessory operations including private garages and customary home occupations.

Permitted uses in the Agricultural (A) District include customary agricultural operations and accessory operations including single-family dwellings.

Permitted uses in the Recreational (S) District include private recreational areas, public recreational facilities, and sanitary facilities.

Permitted uses in the Industrial (I) District and the Disposal (D) District are not listed in the Town Code.

Permitted uses in the Planned Development (PDD) District land or buildings may be used for any lawful purpose as authorized by the Town Board in accordance with the procedures within the Land Use Ordinance.

### ***Town of Conquest***

The Project Area is entirely located within the Town of Conquest. The Town of Conquest does not have a zoning law. Therefore, the Project Area and Study Area cannot be identified in specific zoning districts within the Town. The Town does, however, have a Dwellings and Structures Law that establishes minimum standards for the development of residential dwelling units and structures, suitable to insure and protect the public health, safety and welfare of the Town of Conquest. See Appendix 31-1 of Exhibit 31 for a copy of the Dwellings and Structures Law.

### ***Town of Brutus***

The Project Area is not within this Town. The Town of Brutus is located approximately 1.8 miles southeast of the Project Area. The Zoning Law of the Town of Brutus, dated October 14, 2019 and available online at <https://ecode360.com/9455875>, establishes seven zoning districts. The districts include Residential (R), Agricultural-Residential (A-R), Riverfront (R-F), Commercial-Light Industrial (C-I), Commercial (C), Industrial (I), and Special Development (S-D). The Study Area is within the R-F District. The permitted uses for each district are listed below.

Permitted uses in the Residential (R) District include agricultural tilling of the soil; one-family detached dwellings; two-family detached dwellings; conversion of one-family dwellings to two-family dwellings; multiple-family dwellings; recreation facilities owned or operated by an agency of the Town or other government; governmental buildings; fire stations; renting of rooms in a dwelling; noncommercial greenhouses; tool sheds; private garages; swimming pools; fences or walls; off-street parking; and signs.

The Agricultural-Residential (A-R) District is intended to accommodate agricultural facilities and provide for large residential lots in rural settings. Permitted uses include agriculture and agricultural activities, agricultural tourism; equestrian facilities; forest management and other forest resource uses; game farms, fish hatcheries and fishing reserves; produce stands; veterinary offices or hospitals; hunting preserves, lodges, or clubhouses; golf courses and driving ranges; research facilities dedicated to research in agriculture or animal husbandry; retail sales of machinery, products, supplies, or produce accessory to agricultural operations; cemeteries and the buildings and structures incident thereto; any municipal or public utility purpose necessary to the maintenance of utility services; fire stations or other public building necessary to the protection of or the servicing of the neighborhood; commercial dog kennels; one-family dwellings on a separate lot; and one-family dwellings proposed for location upon a new lot to be formed as part of a subdivision.

The Riverfront (R-F) District is intended to ensure compatibility between development and the environment. Permitted uses include those permitted within the A-R District.

Permitted uses within the Commercial-Light Industrial (C-I) District include agriculture and agricultural activities; commercial greenhouses; public buildings owned or operated by the Town government; libraries; professional or business offices; beauty parlors; banks; stores and shops for the retail sale of merchandise; restaurants; drive-in facilities; service businesses; sales or rental of large items requiring outdoor display for sales and storage; utility stations, substations, pumping stations and telephone exchanges; fire stations; wholesale businesses and storage in an enclosed structure; laboratories: research, testing or experimental; contractor offices and shops; noncommercial greenhouses; tool sheds; private garages; swimming pools; fences and walls; off-street parking; signs; and residential uses.

The Commercial (C) District is intended to accommodate retail facilities and commerce or service-type transactions. Permitted uses include antique stores; appliance stores; artists' studios, art

stores; bakeries, confectionery shops, ice cream shops, and coffee shops; banks, savings, loan, and finance offices; barbers and beauty shops; books, magazines and newspapers stores; clothing, clothing accessories and yard goods stores; computer sales and services; drugstores and sundries stores; dry-cleaning and laundry-collection stations and stores; department stores, furniture and variety stores; food and beverage establishments; gift, stationery and office supply stores; gasoline filling stations; hardware, lawn and garden supply stores; jewelry, optician, and luggage shops; print shops, post offices and packing/shipping services; shoe and shoe repair shops; supermarkets (groceries, meats and baked goods); florist shops; video rental shops; tailors and dressmaking shops; administration or professional offices; real estate or insurance offices; restaurants; theatres, concert or performing arts venues; broadcasting studios; motor vehicle sales agencies, including service and repairs indoors, with outdoor sales, display and storage; shops for making articles sold primarily at retail on the premises; convenience stores; gasoline stations; nursery schools and day-care centers; liquor stores; fraternal organizations and clubs; open stands or markets; car washes; motor vehicle race tracks; fairgrounds; indoor and outdoor recreational and/or amusement facilities; hotels and/or motels; shopping centers and/or malls; industrial parks; business parks; and other uses similar to those enumerated above.

The Industrial (I) District is intended to accommodate facilities associated with assembling, disassembling, repairing, fabricating, finishing, manufacturing, packaging or processing operations of an industrial nature; research and development operations; and shipping and receiving operations. Permitted uses include appliance, tool, and die or metal fabrication; canneries, food processing, sugar refineries; manufacturing, processing, or assembling of products or materials; paper mills and products; warehousing or storage of goods for distribution; trucking, bus or other transportation terminals and transfer stations; research, development and testing of products; storage, repair and dispatch of large equipment; energy production facilities; other industrial uses similar to those enumerated above; and retail sales of products produced by or associated with the principal use of the site.

All uses in the Special Development (S-D) District require a special permit issued by the Planning Board after consultation with the Cayuga County Planning Board. All site plans shall be reviewed by representatives of the Cayuga County Soil and Water Conservation District.

## ***Town of Mentz***

The Project Area is not within this Town. The Town of Mentz is located approximately 1.5 miles south of the Project Area. The Town of Mentz Zoning Ordinance, dated October 22, 2019 and available online at <https://www.cayugacounty.us/930/Mentz-Town>, establishes seven zoning districts, including the Agriculture District (A), Low-Density Residential District (LR), Medium-Density Residential District (MR), Commercial District (C), Public Parkland District (P), Conservation District (CS), and Floodplain Overlay District (F). The Study Area consists of the following districts: CS, A, and F. The permitted uses for each district are listed below. Uses that are not listed for a zoning district are prohibited from that district.

The purpose of the Agricultural (A) District is to promote the continued use of the land for agricultural production of all scales. Permitted uses in the A District include agriculture, accessory use, animal kennel or training facility, cemetery, greenhouse/nursery, school, single-family detached dwelling, and two-family detached dwelling. Utility Scale Solar Energy Systems are permitted upon issuance of a Special Use Permit subject to review and approval by the Planning Board in the A District.

The purpose of the Low-Density Residential (LR) District is to allow for future residential development while still preserving the rural character of the Town. Permitted uses in the LR District include agriculture, accessory use, cemetery, outdoor recreation and camping, religious institutions, single-family detached dwelling, and two-family detached dwelling.

The Medium-Density Residential (MR) District was established to allow for future residential development in existing areas with a higher density of residential development. Permitted uses in the MR district include agriculture, accessory use, benevolent society clubs and lodges, multi-family dwelling, outdoor and camping recreation, religious institution, school and single-family and two-family dwellings.

The C Commercial District is intended to serve as the transitional extension between the town boundary for future commercial development and the Village of Port Byron's business district.

The purpose of the Commercial (C) District is to provide for future commercial development that is compatible with neighboring towns. Permitted uses in the C district include agriculture, accessory use, animal kennel and training facility, automobile sales and service stations, benevolent society clubs and lodges, cultural establishments, drinking establishments, dry



cleaning, farmers' markets, funeral home, health care facility, hotel, laundromat, nursing and convalescent home, professional office, religious institution, restaurant, retail business establishment, schools, and shopping centers.

The purpose of the Public Parkland (P) District is to provide public access to parks and trails throughout the community for recreational use. Permitted uses in the P district include farmers' markets and outdoor recreation.

The Conservation (CS) District is intended to limit the new development in areas of the Town that are environmentally sensitive, highly susceptible to seasonal flooding, and are important to the community for their unique scenic qualities. The purpose of the Conservation District is to protect the valuable natural resources in the Town. There are no permitted uses listed in the CS District.

The purpose of the Floodplain Overlay (F) District is to assist in controlling the alteration of natural floodplains and help minimize the public and private losses due to flood conditions. There are no permitted uses listed in the F District.

### ***Town of Victory***

The Project Area is not within this Town. The Town of Victory is located approximately 0.7 miles north of the Project Area. The Town of Victory Zoning Law and Subdivision Regulations, dated May 13, 2019 and available online at <http://www.cayugacounty.us/DocumentCenter/View/9731/2019-1-Town-of-Victory-Zoning-Law-v7->, establishes three zoning districts. The districts include Agricultural/Residential (AR), Hamlet District (Ha), and Highway District (Hw). The Study Area consists of the following districts: AR and Hw. The permitted and prohibited uses for each district are listed below.

The Agriculture/Residential (AR) District is intended for portions of the Town where open space is important, both for the purposes of farming and to maintain the rural character of the community. This District is intended to accommodate the continued use of existing farms while allowing for low-density residential development. Permitted uses in the AR district include customary farm practices, soil tilling, and raising livestock.

Uses that are prohibited in the AR District include: Multiple Family Dwellings, Town House / Condominium Dwellings, Community Center / Adult Education & Recreation Center, Residential Care Facility, Hospital / Clinic, Library / Museum, Commercial Auto Repair Garage, Auto Sales or Rental, Bank, Car Wash, Club / Lodge, Commercial Sales or Storage of mobile homes, trailers,

or boats, Funeral Home, Gasoline Station, Hotel / Motel, Junkyard / Recycling Facility, Laundromat, Medical or Dental Office, Business and Professional Office, Restaurant with Drive Thru Service, Restaurant without Drive Thru Service, Retail Sales, Self-Storage Unit Facility, Tavern / Bar / Pub, Indoor / Outdoor Theater, Distribution, Storage Warehouse, and Delivery Center, Dry Cleaning Plant, Research / Experimental / Testing Laboratory, Printing / Publishing Company, Production, Processing, Assemblage, and Cleaning of Materials, Goods, or Services, and Level 3 Electric Vehicle Charging Station.

The Hamlet (Ha) District is intended to provide for a cluster of moderate density neighborhood housing development and neighborhood, with small commercial businesses in proximity, serviced while maintaining the generally rural character of the Town. Permitted uses include the previously mentioned agricultural uses permitted in the AR district. Permitted uses with special conditions include single- and two-family dwellings, manufactured home communities, farm stands and greenhouses, and boarding houses.

Uses that are prohibited in the Ha District include: Manufactured Home Community, Commercial Riding School or Horse Stable, Hospital / Clinic, Airport / Air Strip, Auto Sales or Rental, Campground / RV / Camper Trailer Park, Car Wash, Commercial Sales or Storage of mobile homes, trailers, or boats, Hotel / Motel, Junkyard / Recycling Facility, Outdoor Firing Range, Restaurant with Drive Thru Service, Solar Power Facility, Large-Scale, Wind Power Facility, Large-Scale, Distribution, Storage Warehouse, and Delivery Center, Dry Cleaning Plant, Research / Experimental / Testing Laboratory, Mining (Extraction), Printing / Publishing Company, Production, Processing, Assemblage, and Cleaning of Materials, Goods, or Services, and Level 3 Electric Vehicle Charging Station.

The Highway (Hw) District is intended to provide for land uses that generate a moderate to high volume of traffic, such as large or medium-scale commercial and industrial uses. Permitted uses include all previously listed agricultural uses. Permitted uses with special conditions include single- and two-family dwellings, farm stands and greenhouses, and boarding houses.

Uses that are prohibited in the Hw District include: Commercial Riding School or Horse Stable and Outdoor Firing Range.

## ***Town of Ira***

The Town of Ira is located approximately 0.9 miles northeast of the Project Area. The draft Town of Ira Zoning Ordinance is dated January 25, 2021 and is available online at <https://www.cayugacounty.us/DocumentCenter/View/15125/Town-of-Ira-Zoning-Draft-Zoning-Ordinance-2021-PDF>. It establishes two zoning districts- Agricultural (A), and Residential (R). Both Districts lie within the Study Area. The permitted uses for each district are listed below.

The purpose of the Agricultural (A) District is to accommodate the continued use of existing farms or the establishment of new farms while allowing for low-density residential development in areas of the Town where open space is important, both for the purposes of farming and to maintain the rural character of the community. The intent of this district is to protect the rural agrarian character of the Town by limiting the number of new housing permits issued for non-farm related housing.

Permitted uses in the Agricultural (A) District include accessory buildings, accessory uses, cemeteries, farmers' markets, commercial greenhouses/nurseries, public utilities, essential services, religious institutions, public or private schools, single-family dwellings, and two-family dwellings. Prohibited uses include apartment buildings, auditoriums or theaters, bowling alleys, funeral homes, gasoline stations, health care facilities, hotels, manufactured home parks, motels, multi-family dwellings, nursing homes, professional offices, outdoor storage, personal service uses, public self-storage facilities, restaurants, and shopping centers.

The purpose of the Residential (R) District is to allow for future development of residential housing and neighborhood services in areas adjacent to the Village of Cato, the Village of Meridian, and in areas with an existing higher density of residential development, while maintaining the general rural character of the Town. The intent of this district is to provide for future residential development in areas that have already been experiencing a pattern of more dense development than elsewhere in the Town. This district will also provide for a greater mix of housing types and densities leading to more housing choices for residents of all ages and income levels.

Permitted uses in the Residential (R) District include accessory buildings, accessory uses, cemeteries, farmers' markets, public utilities, essential services, religious institutions, public or private schools, single-family dwellings, and two-family dwellings. Prohibited uses include animal kennels, extractive industries/mining, junkyards, recreational vehicle parks/campgrounds, and utility-scale solar energy systems.

#### **4(e) Applicable Policies, Plans, and Ordinances**

The Cayuga County Agriculture and Farmland Protection Plan is discussed within Section 4(u). Section 4(i) includes discussions of the Cayuga County Multi-Jurisdictional Hazard Mitigation Plan (HMP), Cayuga County Economic Development Strategic Plan, Town of Ira and Cato Joint Community Comprehensive Plan, Town of Brutus and Village of Weedsport Comprehensive Plan, 2016 New York State Open Space Conservation Plan, NYS Historic Preservation Plan, Statewide Comprehensive Outdoor Recreation Plan, and New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Sustainability Plan. Applicable local laws are discussed below.

#### ***Town of Conquest Local Law No 2 (2000) Dwelling and Structures Law amended in 2018***

The Town of Conquest Dwelling and Structures Law establishes minimum standards for the development of residential dwelling units and structures, suitable to insure and protect the public health, safety, and welfare of the Town of Conquest. Structures are defined as “any other constructed formation or building of any kind.” Refer to Exhibit 31, “Local Laws and Ordinances,” for a descriptive overview of the Dwelling and Structures Law. Copies of the local laws are provided in Appendices 31-1 through 31-4.

#### ***Town of Conquest Local Law #1 and #2 of 2019, “A Local Law Establishing a Six Month Moratorium on Applications, Approvals, and/or Construction or Installation on Solar Energy Systems and/or Solar Farms.”***

In January 2019 and again in December 2019, the Town of Conquest established a six-month solar moratorium (Local Law No. 1 for the Year 2019, “A Local Law Establishing a Six Month Moratorium on Applications, Approvals, and/or Construction or Installation on Solar Energy Systems and/or Solar Farms”). The purpose of the moratorium was to allow the Town Board to analyze and determine potential appropriate laws and regulations to be put in place by the Conquest Town Board for its review of permit applications subject to the Town’s jurisdiction. As of December 30, 2020, the Town has not yet adopted a Solar Law and the moratorium has expired.

#### **4(f) Publicly Known Proposed Land Uses**

Figure 4-4 identifies all publicly known proposed land uses within the Project Area and Study Area. Based on the results of consultations with municipalities within the Study Area as well as review of local zoning and comprehensive plans, there are no publicly known proposed land uses within the Project Area. The only proposed land uses in the Study Area are located in the Town of Cato, and include a few parcels labeled as a Planned Development District (PDD). The Parcel IDs of those parcels classified as PDD are 57.00-1-17.112, 57.00-1-18, 63.00-1-8.112, 64.00-1-2.112, and 64.00-1-7.12, and are shown on Figures 4-3 and 4-4, respectively.

#### **4(g) Map of Agricultural Districts, Current Agricultural Use, Flood Prone Zones, and Designated Recreational and Sensitive Areas**

Areas of special designation such as New York State Department of Environmental Conservation (NYSDEC) land, other state-owned land, local government-owned land, agricultural districts, and special flood hazard areas are depicted on Figure 4-5. Current agricultural use is depicted on Figure 4-6. Recreational and sensitive areas are depicted on Figure 4-7. Figure 4-5 was prepared using data from the NYSAGM, NYS Department of State, National Conservation Easement Database (NCED), Federal Emergency Management Agency (FEMA), and the United States Geological Survey (USGS) Protected Areas Database. Figure 4-6 was prepared using data from the United States Department of Agriculture (USDA) National Agricultural Statistics Service (NASS). Figure 4-7 was prepared using data from the NYSDEC, OPRHP, NCED, USGS Protected Areas Database, and National Park Service. There are no designated inland waterways, coastal areas, local waterfront revitalization program areas, State Environmental Quality Review Act (SEQRA) designated critical environmental areas, or groundwater management zones within the Study Area of the Project.

The Project Area is located in Cayuga County Agricultural District 5 (CAYU005). All parcels that comprise the Project Area are currently enrolled. Agricultural District 5 in Cayuga County was created in 1980 and was last certified in October 2013. Additional discussion of agricultural land is included in Exhibit 22.

**4(h) Map of Recreational and Other Sensitive Land Uses Potentially Impacted by the Project**

Figure 4-7 includes recreational and other land uses reviewed within the Study Area that theoretically might be affected by the sight, sound, or odor of the construction or operation of the Project, or the on-site interconnection and related facilities. Table 4-3 identifies the sources used to populate Figure 4-7, as well as whether or not those land use types were identified within the Study Area.

**Table 4-3. Recreational and Other Sensitive Land Uses within the Study Area**

Land Use	Sources Reviewed	Within Study Area?
Wild, Scenic and Recreational River Corridors	NYSDEC List of Wild, Scenic and Recreational Rivers (Accessed 2021) National Wild and Scenic Rivers Mapping (Accessed 2021)	No
Open Space	NYS Department of State, Office of Planning & Development Geographic Information System (GIS) Database (Accessed 2021) NYSDEC GIS Database (Accessed 2021)	Yes
Known Archaeological, Geologic, Historic, or Scenic Area	NYS Historic Preservation Office (SHPO) Cultural Resources Information System (CRIS) (Accessed 2021) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2021) Erie Canal National Heritage Corridor (Accessed 2021)	Yes
Parks	NYS Office of Parks, Recreation and Historic Preservation (OPRHP; Accessed 2021) NYSDEC State Lands Mapping (Accessed 2021) National Park Service Mapping (Accessed 2021)	Yes
Designated Wilderness or Forest Preserve Lands	NYSDEC GIS Database (Accessed 2021) National Wilderness Preservation System (Accessed 2021)	Yes
Scenic Vistas	NYS Scenic Vistas (Accessed 2021)	No

**Table 4-3. Recreational and Other Sensitive Land Uses within the Study Area**

Land Use	Sources Reviewed	Within Study Area?
Conservation Easement Lands	NYSDEC GIS Database (Accessed 2021) NYS Department of State, Office of Planning & Development GIS Database (Accessed 2021) National Conservation Easement Database (Accessed 2021)	No
Designated Scenic Byways	NYS Department of State, Office of Planning & Development GIS Database (Accessed 2021) NYS Department of Transportation List of Scenic Byways (Accessed 2021)	No
Nature Preserves	NYSDEC GIS Database (Accessed 2021)	Yes
Designated Trails	NYS OPRHP (Accessed 2021) NYSDEC GIS Database (Accessed 2021)	Yes
Public Access Fishing Areas	NYSDEC GIS Database (Accessed 2021) DECinfo Locator (Accessed 2021)	No

Virtually all of these areas will not be significantly adversely affected by potential Project visibility, odors or sounds during construction or operation of the Project. They are too far away to be adversely affected by Project operational sound or from the temporary odor from a typical construction site. However, portions of the snowmobile trails mapped within the Project Area may need to be re-routed to allow for construction and operation of the Project. Any potential visual impacts to the portion of the Montezuma Wildlife Management Area that abuts the northwestern portion of the Project are discussed within Exhibit 24. Project visibility to each of the sensitive land uses within the Study Area has been evaluated and avoided to the maximum extent practicable by integrating vegetative plantings for visual screening in areas where the Facility is not otherwise concealed by topography and/or existing vegetation. Scaled maps that show these designated areas, recreational, and other sensitive land uses are evaluated in detail in Exhibit 24 and the Visual Impact Assessment (VIA). The VIA assesses potential visibility of the Project Facilities within 2 miles of the boundaries of the Project Facilities (Study Area), and also within a 5-mile Visual Study Area (VSA). Local, state, and federal sensitive visual resource areas were investigated per 16 NYCRR §1001.24. An inventory of publicly available and accessible visual resources was explored through the acquisition of GIS data, review of town, county, and agency

reports, topographic data, and site visits. Visual resources within 5 miles of the Project are listed in Table 24-4 of Exhibit 24.

There are no state forests located within the Project Area. However, scattered portions of the Northern Montezuma Wildlife Management Area are located as follows: adjacent to the northwest portion of the Project Area, approximately 2.0 miles northwest, 1.9 miles west, 2.4 miles west, and 2.6 miles southwest of the Project Area. The Montezuma Wildlife Management Area is managed by the NYSDEC.

According to the NYSDEC, open space simply consists of land or water that is undeveloped (NYSDEC 2020b). This may include private or publicly owned forests, agricultural fields, public parks and preserves (NYSDEC 2020b). Therefore, open land is present within the Project Area in the form of forests, as well as the surrounding Study Area in the form of forests and land preserved within the Montezuma Wildlife Management Areas.

There are no New York-designated scenic vistas or wild, scenic, or recreational rivers located within the Project Area. However, the Seneca River is located within 2 miles of the Project Area, to the south.

According to the Phase IA report included with this Application as Appendix 20-1, there are areas of High, Moderate, and Low archaeological sensitivity throughout the Project Area. Two previously recorded archaeological sites are noted within a one-mile radius of the Project Area, one of which is located within the Project Area. Two New York State Museum (NYSM) areas (NYSM 1534 and 7402) are located within a one-mile radius of the Project Area. No NYSM sites are noted within a one-mile radius of the Project Area. Two cemeteries are identified within a one-mile radius of the Project Area: Conquest Village Cemetery, located 0.3 miles southwest of the Project Area, and Emerson Cemetery, located 0.1 mi east of the Project Area. Two archaeological sites have been previously recorded within a one-mile radius of the Project Area. Site 01104.000020 is a prehistoric-period isolated find identified in the far western portion of the Project Area. Site 01104.000019 is an historic artifact scatter located outside, and approximately 0.8 miles west of the Project Area. The NRHP eligibility status of both sites is undetermined. The Project will avoid these resources and therefore not impact them.

There are no public parks, national conservation easements, or conservation lands within the Project Area. There is one conservation easement located approximately 2.3 miles northeast of the Project Area, in the Town of Ira, and one located approximately 2.3 miles southeast of the



Project Area, in the Town of Brutus. The Project will not impact these areas as the only potential impact outside of the Project Area will be from limited and temporary construction traffic, as well as minimal expected visibility of solar arrays (limited areas from which the Project would be visible). No other state-designated scenic districts, scenic roads, or scenic areas of statewide significance were found within 5 miles of the Project Area.

The Erie Canalway National Heritage Corridor map shows that the entire Project Area, as well as the majority of the Study Area (except for the northernmost portion), are located within the Erie Canal Heritage Corridor.

The Great Lakes Seaway Trail along Route 37 is designated as a national scenic byway that runs approximately seven miles northwest of the Project Area. Scenic Route 90 runs from Montezuma, NY, approximately 7 miles southwest of the Project Site, to Hunter, NY. The Cayuga Lake Scenic Byway is located approximately 8.5 miles southwest of the Project Area and runs south along Cayuga Lake. No national scenic byways or state-designated scenic byways are located within the Project Area. The nearest state bikeway is called State Bike Route 5 and is located approximately 3.9 miles south of the Project Area, running coincident with State Route 31.

There are no NYSDEC-mapped public fishing access sites within the Study Area. The closest is located approximately 4.4 miles southwest of the Project Area. There are no hiking, snowmobiling, cross-country skiing, or horse-riding trails mapped by the NYSDEC located within the Project Area or Study Area. However, there are two snowmobile trails mapped by the OPRHP that traverse through the northern portion of the Project Area (Figure 4-7).

Visibility is not expected at most of the listed Table 24-4 visual receptors. For more information regarding the VIA performed in relation to these resources, see Exhibit 24.

TRC completed a Historic Architecture Reconnaissance Survey for the Project, consistent with Section 106 of the National Historic Preservation Act (NHPA) and OPRHP *Guidelines*. The architectural field survey identified a total of 50 architectural resources aged 50 years or older in the Area of Potential Effect (APE). Those 50 surveyed historic properties consist of 8 previously identified architectural resources and an additional 42 newly identified architectural resources aged 50 years old or older. Of the fifty 50 surveyed properties, 42 are recommended not eligible for NRHP listing due to loss of integrity or lack of historic or architectural significance, consisting of five previously identified architectural resources and 37 newly identified architectural resources.

Eight resources in the APE for the Project are recommended NRHP eligible: the portion of one previously identified historic district, the NRHP-listed New York State Barge Canal Historic District that is also designated an NHL (USN 00104.000641 and 14NR06559); one previously identified resource that was previously determined NRHP eligible, the Greek Revival Schoolhouse at 1764 Lemon School Road (USN 01104.000036); one previously identified resource that is recommended NRHP eligible as a result of the survey, the Conquest Methodist Church at 10442 Conquest Road (USN 01104.000037); and five newly identified resources that are recommended NRHP eligible as a result of the survey (the houses at 10418 Conquest Road, 10430 Conquest Road, and 11676 Old State Road, the Conquest Methodist Cemetery on Conquest Road, and the Emerson Cemetery on O'Neil Road). None of these eight resources are within the parcel boundaries comprising the Project Area or within the limits of disturbance (LOD) for construction of the Project.

TRC concludes that the Project will not physically affect the eight resources that are NRHP listed, previously determined NRHP eligible, or recommended NRHP eligible because they are all outside the Project Area and LOD for the Project. OPRHP will review TRC's findings and conclusion. Please refer to Exhibit 20 and its appendices for additional discussion of cultural and historic resources. Appendix 24-1, the visual impact assessment, evaluates potential visibility of the Project from the six properties that were recommended for NRHP status.

The Project Area and Study Area are located in the Cato-Meridian Central School District, the Weedsport Central School District, and the Port Byron Central School District, with portions of the Study Area also occurring within the Red Creek Central School District and the Conquest Parochial School District (Niche.com, 2021). There are no schools located in the Project Area. The nearest school is located approximately 2.4 miles northeast of the Project Area boundaries. Additional institutional, community, and municipal uses in the Study Area include primarily churches and a cemetery. There are no expected impacts to these areas aside from potential minimal and temporary traffic from construction (see Exhibit 25).

The Project Facilities will have no adverse impact on recreation resources or other sensitive land uses as identified in Table 24-4 of Exhibit 24 and shown on Figure 4-5 and 4-7, respectively. However, discrete segments of a trail associated with the Cato Trailblazers Club will likely receive partial, intermittent, and transient views of solar arrays. Also, the Applicant does not expect any impacts on major communications and utility uses and infrastructure, as discussed in Exhibit 26 and shown on Figure 4-2.

**4(i) Qualitative Assessment of Project Compatibility with Existing, Proposed, and Allowed Land Uses and Local and Regional Land Use Plans**

A qualitative assessment was completed for the Project to determine the level of compatibility with existing, proposed, and allowed land uses. The qualitative assessment evaluates short- and long-term effects of Project-generated noise, odor, traffic, and visibility on the use and enjoyment of areas within one mile of Project facilities. This assessment includes evaluation of the compatibility of the Project’s above-ground structures including commercial-scale solar arrays, energy storage facilities, access roads, inverters, and fencing, as well as any above-ground and below-ground underground interconnections, with surrounding land uses. The Project Area totals 2,288.7 acres and the area inside all fences for the Project totals 1,053.7 acres. Within the 1,053.7 acres, Project Components will physically occupy approximately 850.6 acres. The assessment specifically addresses impacts to nearby land uses that may be of particular concern to the community, including agricultural land, residential areas, schools, civic facilities, recreational resources, and commercial areas.

The Town of Conquest does not have a zoning ordinance. The Town of Victory adopted its Zoning Law in May 2019. The Town of Ira adopted its draft Zoning Ordinance on January 25, 2021. The Village of Cato adopted its Zoning Map in 2013. The Town of Cato adopted its Land Use Code in 1990, with a draft Zoning Map adopted on February 14, 2019. The Town of Brutus adopted its Zoning Code in 2019. The Town of Mentz adopted its Zoning Ordinance and maps on October 22, 2019. As noted earlier, the Project Area lies only within the Town of Conquest, but the other towns are within the two mile Study Area.

Existing land uses have been described in the sections above according to zoning laws of the surrounding municipalities, the Cayuga County Agriculture and Farmland Protection Plan, and the Cayuga County Economic Development Strategic Plan, in addition to the NYSORPS land use classification codes.

**Table 4-4. Impacts to Land Use Types**

<b>Land Use Type</b>	<b>Components Facility Area (acres)</b>	<b>Access Roads (acres)</b>	<b>Collection Lines (miles)</b>	<b>Substation (acres)</b>	<b>Switchyard (acres)</b>
Agricultural	546.0	12.3	11.0	0.4	2.7

**Table 4-4. Impacts to Land Use Types**

<b>Land Use Type</b>	<b>Components Facility Area (acres)</b>	<b>Access Roads (acres)</b>	<b>Collection Lines (miles)</b>	<b>Substation (acres)</b>	<b>Switchyard (acres)</b>
Residential	237.0	4.8	5.8	0	0
Roads	8.8	0.5	6.9	0	0
Vacant Land	58.8	2.0	1.5	0	0
<b>Total</b>	<b>850.6</b>	<b>19.6</b>	<b>25.2</b>	<b>0.4</b>	<b>2.7</b>

As indicated in Table 4-4, the majority of Project Components will occupy land classified as Agricultural, Residential, Roads, and Vacant Land. There are also 0.14 miles (approximately 730 feet) of collection lines designed to cross public roadways underground. As noted in section 4(a) above, Agricultural Land is described as “property used for the production of crops or livestock.” Many of the proposed solar arrays, energy storage facilities, electric collection lines, collection substation, and Point of Interconnection (POI) switchyard facilities are located on Agricultural Land or otherwise agricultural portions of Residential. Other Project Components on Agricultural Land include 62.8 percent of the access roads, and 43.7 percent of collection lines. Collection lines sited within Agricultural Land will be located underground.

The NYSORPS description of Agricultural Land includes both active and inactive agricultural land. Active and inactive agricultural lands were treated the same in this evaluation, as future land uses could include agricultural practices. A total of 546.0 acres of Agricultural Land is occupied by the proposed Facility components. The placement of solar arrays on land designated as agricultural and forested land is expected as those are two of the primary land use types in the region. However, as described herein, the Project is compatible with continued and future agricultural use of these properties and minimizes the impact to forested land to the maximum extent practicable.

Although the solar arrays and energy storage facilities will occupy a portion of active farmland, this impact on active farmland will be insignificant when considering farmland at both the Town and County levels. The total fenced-in area of Project components to be located on agricultural land (666.6 acres) represents only 5.7 percent of all land identified as agricultural land by the

NYSORPS within the two-mile Study Area (11,682.8 acres). This includes 0.3 percent of all land identified as agriculture land by NYSORPS within Cayuga County (200,117.7 acres).

No offsite staging and/or storage is proposed as part of the Project, further reducing the potential impact to active farmland and forests. This allows for existing land uses on lands adjacent to the Project parcels, including those that are used for agriculture, to continue with limited interruption. Additionally, solar farms typically result in a minimal amount of ground disturbance for the installation of racking and mounting posts, that comprise less than a tenth of an acre, thereby preserving the ability to use the land for agricultural purposes in the future following decommissioning. Overall, of the total 833.7 acres of soil disturbance that will occur on land classified as Prime Farmland and Farmland of Statewide importance, only 20.3 acres (<0.006 percent of Prime Farmland and Farmland of Statewide Importance within Cayuga County) of permanent soil disturbance is proposed with the remaining 813.4 acres consisting of temporary soil disturbances that will be restored following construction. In support of New York's Clean Energy Standard, the New York State Public Service Commission (NYPSC) noted that even if 100 percent of the utility-scale solar projects installed in New York contributing to the renewables mandate were sited on New York agricultural lands, only about 0.16 percent of such lands would be converted to utility-scale solar (NYPSC 2016, Appendix G at 20). The NYPSC's 2016 analysis was recently updated to reflect the CLCPA's increased renewables goals (NYPSC 2020). While the 2016 analysis assumed that solar facilities require 2 acres per MW, the 2020 analysis increased this assumption to 5 acres per MW (NYPSC 2020 at 5-2). Nevertheless, the 2020 analysis found that increasing the State's renewables mandate from 50% to 70% by 2030 would only see approximately 0.2% to 0.5% more of New York's agricultural lands occupied by utility-scale solar facilities than the 2016 analysis's 0.16% (NYPSC 2020 at 5-2).

A total of 12.3 acres of access roads are proposed on land designated as Agricultural Land by NYSORPS. Access roads will be used to traverse the Project during construction and operation phases. Access road widths have been proposed at the minimum width necessary to provide adequate area for maintenance and emergency vehicle access in order to reduce the amount of permanent land impacts.

The Project is proposed on land designated as Agricultural, Vacant, and Residential Land. The Applicant has worked carefully to design and site the Project to maximize the efficiency of the solar array and ensure it is located the optimal distance from participating and adjacent landowners, so they do not pose any adverse effects. Table 31-1 in Exhibit 31 includes the Town's

setback requirements and the Applicant's proposed setbacks. The Project complies with and/or exceeds all applicable local setbacks.

As indicated above, additional land uses within one mile of the Project Area were considered as part of the qualitative assessment including residential areas, schools, civic facilities, recreational facilities, and commercial areas. As part of the assessment, it was determined that the Project Area and Study Area are located within the Cato-Meridian Central School District, the Weedsport Central School District, and the Port Byron Central School District, with portions of the Study Area also occurring within the Red Creek Central School District. Community and municipal uses within 2 miles of the Project Area include primarily schools, churches, and cemeteries. There are no adverse impacts to these areas aside from potential minimal and temporary traffic from construction.

Although there are no planned proposed land uses within the Project Area, the Applicant has reviewed the Towns of Brutus, Cato, Ira, Mentz, and Victory zoning laws and maps, as well as the Village of Cato zoning map, Town of Brutus and Village of Weedsport Comprehensive Plan, Town of Victory Agriculture and Farmland Protection Plan available online at <https://www.cayugacounty.us/DocumentCenter/View/9548/Victory-Farmland-Protection-Plan---Map-Packet>, Town of Conquest local laws, and the Cayuga County Agriculture and Farmland Protection Plan. The compatibility with the Cayuga County Agriculture and Farmland Protection Plan is also discussed in Section 4(u). The region contains a viable source for solar energy that helps to benefit local economic centers and towns that may have fluctuating revenue from farming operations.

No unusual odors will be generated by the Project Facilities. The construction phase of the Project will generate temporary noise-related impacts mostly in relation to heavy equipment and machinery in the Project Area, typical of any major construction project. Heavy machinery must be used during access road construction, material and component delivery, installation of electrical interconnect components, racking and mounting post construction, and site restoration. Construction noise will be typical of any large commercial construction project. The impacts from construction noise will be minimized by, amongst other measures, operating only during daytime hours and complying with previously adopted Siting Board certificate conditions. Detailed analyses of the noise impacts of the Project can be found in Exhibit 19.

An analysis of the compatibility of the Project with the Cayuga County Agriculture and Farmland Protection Plan is included in Section 4(u). Assessments of stormwater prevention and protection measures and potential glare are provided in Exhibit 23 and Exhibit 24, respectively.

### ***Cayuga County Multi-Jurisdictional Hazard Mitigation Plan (HMP)***

The HMP, adopted in August 2013 and available online at <https://www.cayugacounty.us/682/All-Hazard-Mitigation-Plan>, was developed with input from local municipalities and the public in response to the Disaster Mitigation Act of 2000. The Disaster Mitigation Act of 2000 required local governments to create hazard mitigation plans in order to be eligible for pre-disaster mitigation funding.

The Cayuga County HMP provides the framework for conducting risk assessments for potential natural hazards which include flooding, severe storms, winter storms, ground failures, and transportation hazards. It also assesses the current and potential future land use distribution and population trends of the County. It then uses that data to make decisions about mitigative development types and locations in higher risk/vulnerable areas within the County.

According to the HMP, the Town of Conquest is vulnerable to droughts, earthquakes, severe storms, and severe winter storms. The only hazard areas that are identified within the Project Area are flood hazard areas (aligning with those already identified on Figure 15-1), and a few areas of soils mapped by the National Earthquake Hazards Reduction Program (NEHRP) as Type E which is classified as a soft soil near major active faults, capable of producing the most intense ground shaking (FEMA, 2020). An additional hazard area identified within the Study Area is a shelter facility located approximately 0.5 miles southwest of the Project Area on Fuller Road, within the Town of Conquest.

The Project will not adversely impact Cayuga County's ability to pursue the four goals identified in the HMP (Cayuga County, 2013):

- Protect life and property;
- Increase public awareness;
- Enhance disaster preparedness, response, and recovery, and promote mitigation efforts through existing programs and partnerships; and
- Protect the environment and natural resources.

As noted in Exhibit 18, the Applicant has initiated consultation with the County Office of Emergency Services and the local fire department in order to inform them of the Project and to seek their input in the development of the Project's preliminary Emergency Response Plan. The Applicant will continue to coordinate with the County and fire department to provide updates on the Project's status, to hold a first responder orientation, and to offer annual walkdowns of the facility once it is constructed and operating.

### ***The Cayuga County Economic Development Strategic Plan***

The Cayuga County Economic Development Strategic Plan, adopted in November 2011 and available online at [https://cayugaeda.org/wp-content/uploads/2013/08/Cayuga-ED-strategic-plan\\_20111.pdf](https://cayugaeda.org/wp-content/uploads/2013/08/Cayuga-ED-strategic-plan_20111.pdf), was developed by the Cayuga Economic Development Agency for the purpose of fostering "a sustainable quality of life in Cayuga County through job retention, expansion, and attraction".

The Project will not significantly impact the Cayuga County Development Agency's ability to uphold the five goals identified in the Economic Development Strategic Plan, as "The Vision for Economic Growth" (Cayuga County, 2011):

- Growing employment opportunities for Cayuga County and the region by leveraging unique local assets and resources for business and job development.
- Establishing a "One Stop" for businesses of any size or category where resources and incentives can be delivered in an efficient, unified manner.
- Cultivating the diverse industries in Cayuga County and working to help them grow jobs and invest locally.
- Broadening the spirit of entrepreneurship which has been the catalyst for Cayuga's past successes and is now the skill set that inspires individual talent to drive business innovation to create jobs, chart careers and strengthen our communities.
- Working to strengthen a creative business environment within Cayuga County that possesses low costs for housing labor, energy and land along with a talented workforce partnered with a proactive educational sector positioned with "turnkey" development sites.

The Project will result in the creation of 227.9 construction jobs, is expected to provide millions of dollars in revenue to the Town of Conquest, Cayuga County and schools to reduce the local tax



burden or allow investment in infrastructure, additional services and resources for residents—throughout the life of the Project, and through land agreements, will support the local agricultural economy by infusing revenue into local farms and diversifying their income.

### ***The Town of Ira and Cato Joint Community Comprehensive Plan***

Since the Towns of Ira and Cato lie within the Study Area, the Town of Ira and Cato Joint Community Comprehensive Plan was reviewed. However, The Project Area is not within these Towns. The Towns of Ira and Cato are located 0.9 miles northeast and 0.2 miles east of the Project Area, respectively. It was adopted by both towns in September 2008 and is available online at <https://www.cayugacounty.us/828/Laws>. It was created in order to guide local officials and landowners in the process of accommodating future physical growth and development of the towns.

Due to the distance from the Project Area, the limited visibility as discussed in Exhibit 24, and the limited traffic impacts as discussed in Exhibit 25, the Project will not significantly impact the ability of the Towns of Ira and Cato to uphold the goals identified within the Joint Community Comprehensive Plan (Towns of Ira and Cato, 2008):

- Foster a balanced use of natural resources within the community to maintain a healthy environment and preserve rural character by employing growth management and sound land use policy;
- Maintain the local cultural heritage for future generations by highlighting connections with the natural and historic development of the area;
- Promote diverse recreational opportunities to enhance sense of place, provide recreational opportunities for people of all ages, and allow for the pursuit of traditional sportsmanship;
- Plan for a safe and adequate supply of potable water to accommodate anticipated future growth and provide the framework for enhancements to the local tax base;
- Plan adequate wastewater treatment facilities to preserve the quality of existing surface and groundwater resources and afford the community a clean and safe environment;
- Maintain a safe and efficient transportation system by preserving highway function and coordinating future land use decisions with State and local transportation officials;

- Encourage state of the art wireless and clean energy technology that is compatible with agricultural operations in the most appropriate areas of the Towns;
- Encourage a wide range of affordable housing opportunities and interesting neighborhoods for current and future residents in keeping with the rural character of the community;
- Strive to maintain the viability of agriculture within the community as an integral part of the local economy and an important land use activity to sustain future generations;
- Facilitate and improve a business environment that creates new commercial opportunities for local residents and complements a wide range of agricultural economic opportunity; and,
- Maintain and improve public facilities to provide the framework for a stronger sense of community and to enhance activities that engage residents.

### ***The Town of Brutus and Village of Weedsport Comprehensive Plan***

Since the northwestern portion of the Town of Brutus lies within the Study Area, the Town of Brutus and Village of Weedsport Comprehensive Plan was reviewed. However, The Project Area is not within either municipality. The Town of Brutus and Village of Weedsport are located 1.8 miles southeast and 3.6 miles southeast of the Project Area, respectively. It was adopted by both towns in February 2014 and is available online at <https://villageofweedsport.org/wp-content/uploads/2020/02/Town-of-Brutus-and-Village-of-Weedsport.pdf>. It was created in order to provide framework to promote a thriving local business community, maintain the rural and family-oriented character, protect agricultural and natural resources, and become a viable tourist attraction.

Due to the distance from the Project Area, the limited visibility as discussed in Exhibit 24, and the limited traffic impacts as discussed in Exhibit 25, the Project will not significantly impact the ability of the Town of Brutus to uphold the goals identified within the Town of Brutus and Village of Weedsport Comprehensive Plan (Town of Brutus, 2014):

- Maintain a family-friendly Town and Village with a strong sense of community.  
The Town and Village will ensure that Brutus and Weedsport continue to be a desirable place for people to raise a family by making it attractive and possible for people who have left the community to come back to stay; including both young people in their 20s and 30s

as well as elderly people and retirees. Brutus and Weedsport will be a place where visitors would want to, and can, settle, stay and be involved in the community.

- Proactively support agriculture.

The Town and Village will value agriculture for maintaining the rural character of the community and for strengthening the rural economy. Brutus and Weedsport will retain valuable farmland and provide opportunities for agricultural business to grow.

- Attract visitors and tourists.

The Town and Village will capitalize on the community's potential to be a gateway to the Finger Lakes, with attractive businesses in the Village Center and recreational opportunities throughout the Town.

### ***2016 New York State Open Space Conservation Plan***

New York State's 2016 Open Space Conservation Plan details a methodology for conserving and maintaining land to promote ecosystem health and individuals' well-being, while still allowing for access to recreational opportunities, thereby increasing tourism. The Project will not adversely impact the State's initiatives identified as the following 16 goals in the Open Space Conservation Plan (NYSDEC (2020b)):

- Protect water quality, including surface and underground drinking water supplies, lakes, streams and coastal and estuarine waters needed to sustain human life and aquatic ecosystems;
- Provide accessible, quality, outdoor recreation and open space to all New Yorkers;
- Protect habitat for the diversity of plant and animal species to ensure the protection of healthy, viable and sustainable ecosystems;
- Improve quality of life and overall health in our communities, especially those with limited current access to open space;
- Maintain critical natural resource-based industries such as farming, forest products, commercial fishing and tourism;
- Address global climate change by encouraging more compact community design patterns.
- Address global climate change by sustainable stewardship of our forests for climate mitigation and adaptation;

- Address climate change by protecting our coastlines, broad riparian corridors and wetlands;
- Address global climate change by adding to the tree canopy in our urban centers and urban communities to moderate temperature fluctuations, thereby lowering our energy consumption;
- Maintain an interconnected network of protected lands and waters enabling flora and fauna to adapt to climate change;
- Protect habitat to sustain the traditional pastimes of hunting, fishing, trapping and wildlife viewing;
- Provide places available to all New Yorkers for education and research relating to ecological, environmental and cultural resources;
- Protect and enhance scenic, historic and cultural resources considered to be valued parts of the common heritage of our citizens;
- Strategically preserve, restore, and/or create a matrix of natural systems sufficiently complex and interconnected to be self-sustaining while performing the critical natural functions necessary to sustain us;
- Improve quality of life with targeted green infrastructure that restores environmental benefits of open space, aesthetics, clean air, water, soil and access to nature in disadvantaged communities that have suffered an excessive, unfair share of environmental degradation; and,
- Identify, sustain, and rebuild natural lands, features, and systems that prevent or buffer impacts to life and property from extreme weather events.

The Project will address global climate change by providing a source of clean, renewable energy that does not produce greenhouse gases that contribute to climate change. In addition, impacts to recreational, scenic, historical, and cultural resources, community health, and the local ecosystem are minimized to the extent practicable.

***New York State Historic Preservation Plan (2015-2020)***

The OPRHP's New York State Historic Preservation Plan 2015-2020, adopted in 2015, guides the process of identifying and preserving historic and cultural resources at the local, regional, and

state levels. In addition to this, it describes best-practices based on previous successful preservation activities and identifies helpful resources to support preservation and community development efforts. As explained in Exhibit 20, the Project will not adversely impact OPRHP's initiatives, identified as the following three goals in the Historic Preservation Plan (OPRHP, 2015):

- Expand Historic Preservation Efforts Across New York State;
- Promote Historic Preservation at Local and Regional Levels; and
- Cultivate Pride of Place.

### ***Statewide Comprehensive Outdoor Recreation Plan (2014-2019 and 2020-2025)***

The OPRHP's Statewide Comprehensive Outdoor Recreation Plan 2014-2019, adopted in 2014, provides a status report and guidance for "recreation, resource preservation, planning, and development," as well as guidance for allocating state and federal funding. The Project will not adversely impact the OPRHP's initiatives in the three priority areas identified in the Recreation Plan (OPRHP, 2014):

- Enhance and revitalize the state outdoor recreation system;
- Improve connections between recreation, economics, sustainability, and healthy lifestyles; and,
- Strengthen the link between people, nature, recreation, and resource stewardship.

The current version of the OPRHP's Statewide Comprehensive Outdoor Recreation Plan (2020-2025) was updated in 2019. The Project will not adversely impact the OPRHP's initiatives in the framing themes within this version of the Plan (OPRHP, 2019):

- Keep the outdoor recreation system welcoming, safe, affordable, and accessible.
- Improve the visitor experience.
- Restore and enhance the State outdoor recreation system, with an emphasis on conservation and resiliency.
- Celebrate and teach history while promoting historic preservation efforts across the State.

***New York State Office of Parks, Recreation and Historic Preservation Sustainability Plan (April 22, 2009).***

The OPRHP's Sustainability Plan, adopted on April 22, 2009, was developed for the purpose of reducing "the impact that the agency's daily operations have on natural resources." A more recent, adopted plan does not appear to exist. The Project will not adversely impact the OPRHP's ability to focus sustainability efforts in the five priority areas identified in the Sustainability Plan (OPRHP, 2009):

- Energy Conservation and Improvements
  - Building Operation and Maintenance
  - Reduced Mowing
  - Fleet Management
- Sustainable Sites, Buildings & Operations
- Waste Reduction and Recycling
- Green Procurement
- Education, Training and Interpretation

As described on pages 7 and 8 of the Sustainability Plan, the OPRHP has purchased renewable energy credits (RECs) to offset the agency's electricity use and is striving towards directly using more renewable energy. These efforts and goals are in line with the Project in that they both will support the production of renewable energy.

The Project will be consistent with each set of goals listed above by helping to stabilize or even enhance the local economy through payments that are provided to the participating landowners, as well as increased tax revenues. Lease payments for land used to support the Project help parcels remain intact during the life of the Project, rather than being sold or subdivided for other purposes, such as industrial park or residential subdivision development that would permanently preclude agricultural operations on the land. The siting of the Project has taken into consideration the scenic, historic and cultural resources in the region with the goal of protecting these from any potential Project-related impacts, as discussed within Section 4(h) and Exhibit 20. The decommissioning requirements of the Siting Board under Article 10 will ensure that agricultural land where the Project will be sited will be preserved for future use. The Project will diversify the County's economic base, through increased tax revenues and it will provide a source of renewable energy while avoiding significant adverse impacts to sensitive aspects of the natural

environment. The Project design will take into consideration the balance between the regional economy, the natural environment, and the need for increased sources of renewable energy in Cayuga County, as well as New York State as a whole.

#### **4(j) Qualitative Assessment of Project Compatibility with Existing, Potential and Proposed Land Uses for Above-Ground Interconnections and Related Facilities**

The collection lines will be placed underground for the entirety of their length and installed primarily via cable plow and/or direct trenching with some portions to be proposed via horizontal directional drill (HDD) in order to avoid wetland and waterbody resources, as well as roadways and their existing right-of-way (ROW). The only aboveground interconnection lines proposed consist of two short spans of 207 feet and 563 feet respectively, connecting the proposed switchyard to the existing transmission line. Where the installation of the collection lines will be via HDD, the only impacts will be temporary and located at the entry and exit pits of the HDD equipment. Once built, the Project will not have any adverse impacts to existing or proposed land uses. The proposed collection substation and switchyard, as well as the aboveground interconnection line, will be located within land classified as Agricultural Land. Exhibits 9, 19, 20, 21, 22, 23, 24, 25, and 26 also include detailed analyses and discussions related to potential impacts to land uses as well as avoidance, and minimization measures associated with the Project.

#### **4(k) Qualitative Assessment of Project Compatibility with Existing, Potential, and Proposed Land Uses within 300 feet of Centerlines of Interconnections or Related Facilities**

Collection lines from the inverters to the collection substation will be placed underground within the Project Area. Approximately 11.0 miles of collection lines are sited within land designated as Agricultural Land and 7.5 miles are located alongside existing roadways. The collection circuits will be underground and will only require temporary impacts to land uses as part of installation. Due to the limited impacts associated with the Project, underground facilities associated with the Project will be compatible with the existing, potential, and proposed land uses within 300 feet from the centerline of such facilities.

#### **4(l) Conformance with the Coastal Zone Management Act**

This section is not applicable as the Project is not located within a designated coastal area. Therefore, a demonstration of conformance with the Coastal Zone Management Act is not required.

#### **4(m) Aerial Photographs of All Properties**

Figure 4-8 represents aerial photographs of properties within the 2-mile Study Area. The Applicant is not aware of any material changes in land use that have occurred since the aerial photographs were taken.

#### **4(n) Aerial Photograph Overlays**

Figure 4-8 represents aerial photography overlaid with the proposed Project Area boundaries and components to show the relationship with existing structures, topography, and vegetation cover types. Appendix 11-1 also overlays the proposed Project facilities, interconnection routes, access roads, and limits of clearing at a larger scale with additional detail.

#### **4(o) Aerial Photographs within the Study Area**

Figure 4-2 illustrates aerial photography of all properties within the Study Area. Figure 4-8 illustrates aerial photography in the vicinity of the Project Area with a scale of 1:24,000. This scale provides for detail, discrimination, and identification of natural and cultural features.

#### **4(p) Community Character of the Study Area**

The Project is located in Central New York in a rural area of Cayuga County as shown on the figures included with this Exhibit. The Applicant worked with the Town of Conquest, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance in the region. Land within the Town of Conquest consists of agricultural fields, forested land, utility rights-of-way, residences, community buildings, farm buildings, streams and the Seneca River, Duck Lake, ponds, wetlands, hedgerows, outbuildings, storage silos, a town landfill, an auto body shop, State Route 38, local paved roads, and unimproved farm roads. While the Study Area occupies approximately 27,722.0 acres, the amount of topical land used for the Project Components is minimal (850.6 acres) in comparison, thus the Project will have little impact on existing land uses in the Study Area. The primary potential effects will be during construction,



which is temporary. As noted above, mitigation measures will be employed to minimize impacts relating primarily to fugitive dust, noise, and stormwater (Exhibits 17, 19 and Appendix 23-3, respectively). Current recreational, cultural, and other concurrent uses, such as farming, can continue uninterrupted as usual. The community character of the area was assessed through a review of local laws, the Cayuga County Economic Development Strategic Plan, and the Cayuga County Agriculture and Farmland Protection Plan.

Community character includes defining features and interactions of the natural, social, and built environment, and how those features are used and appreciated in the community, based on the Town of Conquest Local Laws as well as information obtained through PIP Plan activities. The Applicant has taken these three aspects into account and consulted with local municipalities, landowners, and stakeholders to identify specific characteristics of the community that are of particular importance to the region.

The natural environment includes agricultural land, forested land, conservation lands, recreation and entertainment sites, and water resources in the area. Approximately 260.3 acres of land will be cleared of forested areas within the LOD which is approximately 11.3 percent of the total 2,288.7-acre Project Area. Furthermore, approximately 27,660 linear feet of vegetative screening will be planted, offsetting the impact to forested land. The proposed vegetative screening contains native trees and shrubs (Appendix 11-2, Landscaping Plan). Project components were sited away from forested land to the maximum extent practicable to limit the total area of tree clearing required for the Project and to prevent potential wildlife habitat loss. Approximately 913.8 acres of previously disturbed agricultural land will be used for the Project. This land will be used during the economic life of the Project. Thereafter, the land will be restored to substantially its existing condition and will be available to be reclaimed for agricultural use after the Project is decommissioned, limiting the impacts to this land type.

The major water resources in the vicinity of the Project include the Seneca River, Duck Lake, Parker Pond, Otter Lake, Cross Lake, and on-site delineated wetlands and streams. The Seneca River, Duck Lake, Parker Pond, Otter Lake, and Cross Lake are located outside of the Project Area and will not be impacted by Project construction or operation. Mapped wetlands and streams have been avoided to the maximum extent practicable when siting Project Components as discussed in Exhibit 22.

The Seneca River can also be considered part of the social environment that contributes to the community character of the region as a primary body of water located in a rural area. The Project will not impact the Seneca River as part of the social or natural environment as the Project will not impede the use of the river for recreational uses. The Project is sited away from developed areas nearby and cultural resources were considered and protected. The social environment can also include those developed areas that encompass restaurants, shops, meeting places, churches, and centers for community gatherings. There are several churches, stores, and restaurants located within the Study Area. The Project will not impact any of these social aspects because all Project components will be installed within the Project Area boundaries. Some temporary and minimal traffic may result from construction traffic through the Town of Conquest. Refer to Exhibit 25 for an analysis on potential traffic impacts associated with the Project's construction.

Lastly, the nearby built environment includes some of the social buildings described above, community and public services, commercial and industrial areas, public utilities, and residential buildings. The closest commercial area within the Study Area lies approximately 0.4 miles southwest of the Project Area but will not be impacted aside from the temporary and minimal construction traffic. There are 71 residential parcels located adjacent to the Project Area. The Project has been sited a minimum of 100 feet away from the nearest non-participating property line where a residence exists, and a minimum of 250 feet from the nearest non-participating occupied residence. In most cases, the Project has been sited several hundred feet away from other non-participating residences, to limit impact. As noted above, the Project complies with all applicable municipal setback distances.

All three of these features, the natural, social, and built environments, contribute to the rural community character of the area. The Applicant intends to protect this character through the careful design and siting of the Project.

Per 16 NYCRR § 1000.24(b)(1), the NYSORPS classifications are further divided into Landscape Similarity Zones (LSZs) to categorize the visual character and quality of the landscape. As described in Exhibit 24, LSZs are areas of similar landscape/aesthetic character based on patterns of landform, vegetation, water resources, land use, and user activity. These zones provide additional context for evaluating viewer circumstances and visual experiences. Land cover classification datasets from the 2016 USGS National Land Cover Dataset (NLCD) is available for GIS analysis and was used for an initial establishment of LSZs as they provide

distinct and usable landscape categories. These NLCD land cover groupings were then refined based on aerial photo interpretation and general field review. This effort resulted in the definition of five final LSZs within the VSA as depicted in Appendix 24-1, that include the following:

- Zone 1: Agricultural – This zone includes cultivated land and that which is used for row crops, hay, or pasture.
- Zone 2: Forested – This zone includes mature deciduous and coniferous tree groups.
- Zone 3: Developed – This zone includes villages, towns, cities, rural residential abutting roadways, and transportation corridors.
- Zone 4: Open – This zone includes miscellaneous other open parcels that may have minor development with less visually obstructive features such as minor expanses of barren land, land with short scrub shrub vegetation, cemeteries, golf courses, paved lots, or playgrounds.
- Zone 5: Open Water – There are a few water bodies with associated recreational activities to warrant an open water category. Larger lakes, ponds, and rivers recognized in this zone are: Otter, Duck, and Cross Lakes, Parker Pond, and the Seneca River.

Additional information regarding the LSZs and potential visibility of the Project are included in Exhibit 24 (Visual Impacts) and Appendix 24-1 (Visual Impact Assessment). Potential visual contrasts that could result from construction activities include contrasts in form, line, color, and texture resulting from road upgrading; construction and use of staging and laydown areas; vehicular, equipment, and worker presence and activity; dust; and emissions. These elements are quite typical of many major construction projects.

The Applicant has strived to balance the goals of the State and the Project with the goals of the community, as outlined in the Town of Conquest Local Laws, the Cayuga County Agriculture and Farmland Protection Plan, the Cayuga County Economic Development Strategic Plan, and as discussed with local landowners. Exhibit 9 (Alternatives) discusses the reasonable alternative Project layouts that were evaluated as part of this balancing effort. Exhibit 10 details the State laws and programs that set aggressive clean energy targets to combat climate change by reducing greenhouse gas emissions from the State's energy sector.

Avoidance, minimization, and mitigation measures that were used in Project siting are directly related to the community character of the area. The selected technology of photovoltaic solar

arrays will result in an efficient layout minimizing the area of land, to the maximum extent practicable, that is required in order to achieve 200 MW of energy production. The collection lines have been placed underground to decrease potential aboveground visual impacts. Proposed setbacks provide for areas of open space between these features and the proposed solar arrays that help maintain the open space/rural character of the area. The Project has been sited a minimum of 100 feet away from the nearest residential use property line, and a minimum of 250 feet from the nearest non-participating occupied residence. In most cases, the Project has been sited several hundred feet away from other non-participating residences, to limit impact. A Landscape Plan, included as Appendix 11-2, depicts the vegetative screening that will screen the Project Components to reduce visibility and also help maintain the visible greenery in the landscape that makes up the rural character.

The studies and evaluations that have been prepared as part of this Application are described in further detail in the specific exhibits and associated appendices. Specific exhibits to reference include Exhibit 24 (Visual Impacts), Exhibit 19 (Noise Impacts), Exhibit 20 (Cultural Resources) and Exhibit 22 (Terrestrial Ecology and Wetlands). Each exhibit provides additional information related to how the studies and evaluations were performed and provide details that pertain to the community character of the Study Area, as well as how unavoidable impacts will be mitigated.

#### **4(q) Photographic Representation of the Project Area and Study Area**

Photographic representations of the Project Area and Study Area are included in Appendix 24-1 (Visual Impact Assessment) to depict existing characteristics of the Project and surrounding area setting.

#### **4(r) Project Area Farmland Classification Mapping**

A scaled map of the existing farmland classifications (e.g., Prime Farmland, Prime Farmland if Drained, etc.) within the Project Area is included as Figure 21-2. A discussion of how the Project will avoid, minimize, or mitigate impacts to agricultural soils and the effects the Project has on use of the land for future farming operations is included in Section 4(w).

#### **4(s) Farmland Classification within Limits of Disturbance**

Within the Project Area, the LOD necessary to construct the Project includes approximately 21.2 percent of land (485.6 acres) classified as Prime Farmland, 2.6 percent (60.5 acres) as Prime Farmland if Drained, 14.5 percent (331.6 acres) as Farmland of Statewide Importance, and 13.2

percent (302.5 acres) as Not Prime Farmland. However, only 12.2 acres of permanent impacts are proposed to Prime Farmland.

#### **4(t) Publicly Known Proposed Land Use Map**

As stated in section 4(f) and shown on Figure 4-3, there is one publicly known, proposed land use within the Study Area - the Planned Development District (PDD) within the Town of Cato. The Town of Cato is located approximately 0.2 miles east of the Project Area. The rural character of this area will remain both during operation and after the useful life of the Project. During operation, the Project will provide economic revenue for the Town, County, and School Districts but will be a passive use in that there will be no traffic resulting from its operation, there will be minimal to negligible sound, no air or water emissions, and no increase in demands of municipal infrastructure and services. After the Project's useful life, the land can be restored to essentially its previous condition consisting of agricultural, residential, and vacant land.

The Cayuga County Agriculture and Farmland Protection Plan 2014 details information regarding agricultural land within the county based primarily on the 2012 Census of Agriculture that reported on agricultural statistics around New York State between 2002 and 2012. Based on the census data reports, a total of 891 farms operated within the County in 2012. The major agricultural production sectors included field crops and dairy, followed by livestock production and specialty crop production (vegetables, fruits, horticulture and floriculture products, honey, and maple syrup). Between the period of 1992 and 2012, there was a slight increase from 873 to 891 farms, but that number fluctuated during that time period. This is consistent with what has been experienced statewide where the trend of growing and large-scale farm operations is on the rise, as large-scale farms can produce more food and therefore have more stability (Mulford, 2020). More information on farmland conversion trends in Cayuga County can be found in the Cayuga County Agriculture and Farmland Protection Plan.

#### **4(u) Agricultural Impacts and County Agriculture and Farmland Protection Plan, Construction and Lifespan of the Project, and Agricultural Viability of Study Area**

The Cayuga County Agriculture and Farmland Protection Plan, adopted by the Cayuga County Legislature in August 2014 and available online at <https://www.cayugacounty.us/DocumentCenter/View/3118/Final-County-Agriculture-Plan-2014-PDF>, was developed to "assess current conditions that affect Cayuga County's agricultural economy and farmland protection efforts and propose policies and laws to strengthen its agricultural base." The document

analyzes agricultural economic sectors, development pressures, as well as methods of strengthening the county's agricultural economy and protecting existing farmland protection.

The Project will not significantly impact Cayuga County's ability to uphold the three goals identified in the Agriculture and Farmland Protection Plan:

- Improve economic opportunities for agriculture-related businesses in Cayuga County;
- Achieve widespread awareness and appreciation in the county of the economic, health and cultural importance of local food and local agriculture; and,
- Ensure a vibrant future for farming in Cayuga County.

Solar projects such as the Garnet Energy Center contribute to the environmental sustainability of farms through harnessing solar energy within the Study Area and providing clean energy to surrounding communities. Concurrently, the Project will contribute to climate change mitigation by providing utilities clean energy for distribution and consequently reducing the need for other fossil fuel technology operation to meet energy demands. Exhibit 8 presents the expected emission reductions from the Project. Although the solar panels will cover 512.0 acres of agricultural land, only 16.8 acres of permanent ground disturbance to agricultural land will occur as part of this Project. The remaining 495.2 acres will be restored after construction. Ground disturbance for the Project will be limited to the installation of posts for the racking systems and footings for equipment in the collection substation and POI switchyard and construction of access roads. The useful economic life of the Project is estimated to be at least 30 years, and as detailed in the Decommissioning Plan, the Applicant will return land within the Project Area to substantially its original condition through reseeding and careful mobilization of equipment. As such, agricultural land sited within the Project Area will be able to return to its farming (before Project construction) following decommissioning of the Project.

The Project will not impede adjacent agricultural land uses during construction and the lifespan of the Project, including field crops; muckland; cattle, hog, donkey, and goat grazing; or maintaining the use of the land for agricultural means. Participating landowners also receive lease payments that are added income that may offset the cost to own the land. If landowners are unable to financially support owning their land, they may be forced to sell it or break it up into smaller parcels. After it is sold, it could potentially be developed for other uses that may not allow the land to be returned to farming after their intended use or may not have a useful life expectancy. The Project allows the agricultural land to be used for solar energy production, helps keep larger

parcels contiguous through lease payments, and protects the viable agricultural land for future use at the end of the Project's useful life. Other uses may not provide this protection.

#### **4(v) Description of Avoidance and Minimization of Impacts to Natural Resources and Existing Land Uses**

Approximately 724.4 acres of disturbance to NYSORPS-designated agricultural land is anticipated to occur within the Project's proposed LOD. This includes temporary and permanent disturbance and also includes areas outside of the fence line. The temporary disturbance will be caused by grading and laydown areas. Of the 724.4 acres of proposed disturbance within NYSORPS-designated agricultural land, 312.7 acres will occur on land classified as Prime Farmland which is only 4.4 percent (7,117.6 acres) of all Prime Farmland within the Town of Conquest and 0.1 percent (184,103.0 acres) of the Prime Farmland within Cayuga County. Of these 724.4 acres, only approximately 16.8 acres will comprise permanent soil disturbance from racking support poles, access roads, collection (substation, switchyard, inverter pads, energy storage pads), and stormwater management structures (grading, stabilization matting, rock outlet protection, water bars, etc.). The remaining 707.6 acres will be restored after construction. Impacts to the remaining farmland classifications are quantified within Section 4(s).

Additionally, within the LOD (1,199.8 acres), approximately 529.5 acres (44.1 percent) of soil are classified as being within mineral soil groups 1 through 4 and 670.1 acres (55.9 percent) of soil are classified as being within soil groups 5 through 10. Of the 529.5 acres of soil within the LOD that are classified in mineral soil groups 1 through 4, only 2.8 percent (14.7 acres) will be permanently impacted by the installation of Project Components. This equates to 0.2 percent (7,769.2 acres) of soil groups 1 through 4 in the Town of Conquest and 0.007 percent (221,142.8 acres) of soil groups 1 through 4 in Cayuga County. The Applicant has made significant efforts to site Project components to minimize impacts to the maximum extent practicable for existing and future use of agricultural lands within the Project Area. The Applicant will also comply with the NYSAGM guidance document "Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands", dated October 2019, to the maximum extent practicable for requirements specific to restoration, monitoring, and decommissioning, which is further discussed in Exhibit 21. As stated in the NYSAGM guidelines, an Environmental Monitor will coordinate with the NYSAGM, Division of Land and Water Resources, to develop an inspection schedule and solution if any such goal included in the guidelines cannot be met, consistent with any applicable Article 10 Certificate Conditions.

The solar panels for the Project will be selected primarily for efficiency and effectiveness to harness the maximum amount of solar power at any given time (with consideration to limiting factors including shading, cloud cover, etc.), which concurrently minimizes the amount of land required for generation. The solar technology was selected to avoid concrete foundations and will instead be installed via driven posts. Additionally, monocrystalline solar modules are being considered for the Project as they are one of the most efficient models available for large scale solar generation facilities in the renewable energy market. While the solar panel arrays are sited on agricultural, residential, and vacant lands within the Project Area, the proposed solar panels will be mounted on racking systems supported by driven posts and result in minimal ground disturbance since no excavation will be required for their installation.

The proposed Project will also use a battery storage system. This technology has been selected to provide the safe storage of extra energy generated by the sun to be distributed to the grid during nighttime hours. Battery cells will be enclosed in an energy storage cabinet, that will also include a battery management system, fire suppression equipment, and a thermal management system that will allow for the safe operation of the battery system throughout the life of the Project. Personal protective equipment is not required for the handling of battery cells and there are no adverse effects associated with the exposure to the battery system, such as physical contact, inhalation, or oral contact. Therefore, there are no long-term impacts associated with the battery storage system for the proposed Project. The energy storage system will be monitored continuously, 24 hours a day, 7 days a week, to provide routine and safe operations and will not negatively impact air quality or soil quality. Therefore, there are no long-term impacts associated with the battery storage system for the proposed Project.

The Applicant will make improvements to and maintain the conditions of existing access intended for use during the operational lifetime of the Project. Where grading and excavation is proposed, topsoil will be stripped, stockpiled, and returned to reduce impacts during decommissioning of the Project. Additional discussion on agricultural restoration techniques is included in Exhibit 29(b)(3).

#### **4(w) Parcels Enrolled in the Agricultural District Program**

The following Project parcels are located within Cayuga County Agricultural District 5: 50.00-1-26.41, 50.00-1-27.2, 50.00-1-34, 50.00-1-36, 50.00-1-39, 51.00-1-11.111, 51.00-1-12.111, 51.00-1-13.111, 51.00-1-17, 51.00-1-18.1, 51.00-1-19.21, 51.00-1-19.22, 56.00-1-1.221, 56.00-1-13.112, 56.00-1-13.212, 56.00-1-13.213, 56.00-1-13.214, 56.00-1-13.5, 56.00-1-14.111, 56.00-1-19, 56.00-1-2.211, 56.00-1-2.212, 56.00-1-48.2, 56.00-1-8, 56.00-1-9, 57.00-1-2.119, 57.00-1-



31.2, 62.00-1-64.1, 62.00-1-8.1, 62.00-1-9.21, and 63.00-1-6.1. The above identified Project parcels were last considered enrolled on October 9, 2013 (CUGIR, 2014).

Parcels enrolled in the Agricultural District Program do not have an expiration date but can be revisited every eight years once established. The parcels listed above may be expanded upon or petitioned for removal from the Program by the County Board during the next 8-year review of the district which will be conducted in 2021.

Impacts to current agricultural uses surrounding the Project Area will be minimized by limiting the number of Project access road entrances from public roads. Upon completion of Project decommissioning, the Project Area will be returned to its substantially pre-construction conditions and will be made available for agricultural uses once again. See Exhibit 9 for a detailed discussion on design options considered to enable continued agricultural use.

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