



**White Creek Solar**

**Matter No. 23-00059**

**900-2.4 Exhibit 3**

**Location of Facilities and Surrounding Land Use**

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## EXHIBIT 3 LOCATION OF FACILITIES AND SURROUNDING LAND USE

White Creek Solar, LLC (the Applicant) assessed the location of the proposed White Creek Solar Project (the Facility), with respect to existing and planned facilities and land uses within the Facility Site and the 5-mile Study Area (defined as a 5-mile radius extended out from the Facility Site boundary) and evaluated the potential effect construction and operation may have on such facilities and land uses. The Facility Site is located within the Towns of Leicester and York, Livingston County, New York on the relatively flat to moderately sloping agricultural lands at the junction of the Allegheny Plateau and Erie-Ontario Plain. The 115-kilovolt (kV) Station 162 – York Center electric transmission line and associated right-of-way owned and operated by Rochester Gas and Electric (RG&E), runs north-south through the Facility Site, providing a nearby interconnection source for the Facility. A second transmission line, the Tap to Unknown 69 kV line, owned by National Grid, runs north-south through the northwestern portion of the Facility Site. This transmission line will not be used an interconnection for the proposed Facility.

### (a) Topographic Maps

#### (1) Proposed Major Electric Generating Facility Location

Figure 3-1 depicts the location of proposed Facility components displayed at a scale of 1:24,000 including the following:

- Photovoltaic (PV) arrays and associated equipment
- Access roads
- Electrical collection system
- Collection substation
- Point of interconnection (POI) switchyard
- Security fencing
- Temporary construction staging and laydown areas
- Operation and Maintenance containers.

These components, collectively referred to as the "Facility," are mapped on the U.S. Geological Survey 1:24,000 Geneseo and Leicester quadrangle topographic maps.

## **(2) Interconnection Location and Ancillary Features**

All Facility components, including the interconnection facilities, will be located within the defined Facility Site and are mapped in Figure 3-1. There are no off-site utility interconnections, including electric transmission lines, communications lines, stormwater draining lines, and appurtenances thereto, to be installed connecting to and servicing the Facility Site. There are no municipal interconnections (e.g., potable water mains, wastewater conveyances, etc.) within the Facility Site. Also, based on all studies and analyses conducted to date, there are no known off-site ancillary features (such as road improvements) associated with the Facility.

## **(3) Construction Limits of Clearing and Disturbance**

The proposed limits of clearing and disturbance for construction of all Facility components and ancillary features are mapped in Figure 3-1. The limit of disturbance (LOD) encompasses the anticipated outer bounds of where disturbance may occur for the construction of the Facility, including any necessary vegetation clearing. This boundary includes defined work corridors along Facility components, security fencing, and proposed planting modules, and incorporates areas where construction vehicles and/or personnel may need extra room to construct the Facility. The LOD is presented in the Preliminary Site Plan Drawings in Appendix 5-A, Figures 3-1, and with mapping of plant communities in Figure 11-1.

### **(b) Municipal Boundary and Taxing Jurisdiction Maps**

Figure 3-2 depicts the location of the proposed Facility Site with respect to village, town, county, fire district, and school district boundaries. As indicated in Section (a)(2), all Facility components will be located within the Facility Site boundaries. These locational relationships are described in Section (c).

### **(c) Description of Proposed Facility Locations**

The Facility Site is located in Livingston County within the Towns of Leicester and York. The Facility Site is split between the Avon Central School District, Geneseo Central School District, and York Central School District, and falls within the York and Cuylerville Fire Districts. Table 3-1 presents a summary of Facility components within each of these jurisdictions. All Facility components will be located within the Facility Site boundaries, which are within these municipal boundaries and taxing jurisdictions, as shown on Figure 3-2 (Municipal Boundaries and Taxing Jurisdictions). There are no ancillary features located outside the Facility Site boundaries, and the Applicant is not aware of any other applicable municipal boundaries or taxing jurisdictions with jurisdiction intersecting the Facility Site.

**Table 3-1. Facility Components by Municipal Boundary and Taxing Jurisdiction**

Municipal Boundary/Taxing Jurisdiction		Facility Components
County	Livingston	All Facility components.
Town	York	PV arrays, access roads, inverters/transformers, security fencing, collection lines, POI switchyard, collection substation, and laydown areas. Approximately 77% of the Facility Site is located within the Town of York.
	Leicester	PV arrays, access roads, inverters/transformers, security fencing, collection lines, and laydown areas. Approximately 23% of the Facility Site is located within the Town of Leicester.
School District	York Central School District	All Facility components.
Fire District	York	PV arrays, access roads, inverters/transformers, security fencing, collection lines, POI switchyard, collection substation, and laydown areas. Approximately 77% of the Facility Site is located within the York Fire District.
	Cuylerville	PV arrays, access roads, inverters/transformers, security fencing, collection lines, and laydown areas. Approximately 23% of the Facility Site is located within the Cuylerville Fire District.

**(d) Map of Existing Land Uses**

Figure 3-3 shows existing land uses for all parcels within the Facility Site and within the 5-mile Study Area (defined as a 5-mile radius extended out from the Facility Site boundary). This map was prepared using publicly available data from the Livingston, Genesee, and Wyoming County Real Property Tax Service Offices and the classification codes of the New York State Office of Real Property Services (NYSORPS). The following property type classification codes occur within the 5-mile Study Area:<sup>1</sup>

- 100 – Agricultural
- 200 – Residential
- 300 – Vacant Land
- 400 – Commercial
- 500 – Recreation and Entertainment

<sup>1</sup> Note: each of the primary land use classes have multiple sub-classes. For example, property type classification code 105 is defined as “Agricultural Vacant Land (Productive).”

- 600 – Community Services
- 700 – Industrial
- 800 – Public Services
- 900 – Wild, Forested, Conservation Lands and Public Parks.

Parcels without an associated property classification code are labeled “Not Defined” in Figure 3-3. These are primarily associated with public roads and utility rights-of-way.

According to the NYSORPS classification codes, land use within the 5-mile Study Area is dominated by agriculture (73%), residential land (14%), and vacant land (5%) (NYSORPS, 2021).

### Agricultural Land

There are approximately 63,971 acres of agricultural land within the 5-mile Study Area according to NYSORPS, of which 40% is classified as agricultural vacant land and 22% as field crops (NYSORPS, 2021).

The following agricultural land use classification codes occur within the 5-mile Study Area:

- 100 – General agricultural land (29 acres, <1%)
- 105 – Agricultural vacant land<sup>2</sup> (productive (34,620 acres, 40%)
- 110 – Livestock and products (2 acres, <1%)
- 112 – Dairy products: milk, butter and cheese (6,662 acres, 8%)
- 113 – Cattle, calves, hogs (408 acres, <1%)
- 114 – Sheep and wool (1,312 acres, 2%)
- 116 – Other livestock: donkeys, goats (82 acres, <1%)
- 117 – Horse farms (1,111 acres, 1%)
- 120 – Field crops (19,613 acres, 22%)
- 130 – Truck crops – mucklands (112 acres, <1%)
- 170 – Nursery and greenhouse (18 acres, <1%).

Approximately 97% of land within the Facility Site is currently classified as used for agricultural purposes. Specifically, of the approximately 1,679 acres that comprise the Facility Site, 1,145 acres (68%) are classified as used for field crops, 481 acres (29%) are classified as vacant farmland, and approximately 2 acres (0.1%) are classified for use as a horse farm (NYSORPS, 2022). See Exhibit 15 for further discussion of agricultural production within the Facility Site.

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<sup>2</sup> The agricultural vacant land (Class 105) is defined as, “land used as part of an operating farm. It does not have living accommodations and cannot be related to any other agricultural category. It is usually found when an operating farm is made up of a number of contiguous parcels.” However, some agricultural activity still occurs on lands classified as 105.

### Residential Land

According to NYSORPS, there are approximately 12,614 acres of residential land within the 5-mile Study Area, of which 36% is classified as one family year-round residence and 30% as primary residential, also used in agricultural production (NYSORPS, 2021).

The following residential land use classifications can be found within the 5-mile Study Area:

- 210 – One family year-round residence (4,558 acres, 36%);
- 220 – Two family year-round residence (96 acres, <1%);
- 230 – Three family year-round residence (12 acres, <1%);
- 240 – Rural residence with acreage (1,031 acres, 1%);
- 241 – Primary residential, also used in agricultural production (3,730 acres, 30%);
- 242 – Recreational use (1,844 acres, 2%);
- 250 – Estate (268 acres, <1%);
- 260 – Seasonal residences (10 acres, <1%);
- 270 – Mobile home (252 acres, <1%);
- 280 – Residential (211 acres, <1%);
- 281 – Multiple residences (566 acres, <1%); and
- 283 – Residence with incidental commercial use (36 acres, <1%).

Within the Facility Site, approximately 6 acres (<1%) are classified as residential properties by NYSORPS.

### Vacant Land

The NYSORPS defines vacant land as, “property that is not in use, is in temporary use, or lacks permanent improvement”. Approximately 4,156 acres (5%) of land within the 5-mile Study Area have been classified by NYSORPS as vacant land (i.e., all 300-level property classes).

Vacant lands comprise approximately 25 acres (1.5%) of the Facility Site. Based on a review of recent aerial imagery, the majority of these lands are associated with agricultural uses such as hay fields, field access roads, agricultural equipment storage, pastureland, and forest and shrublands.

### Conservation Programs

The NYSORPS assigns property type classification codes of 900 for wild, forested, conservation lands, and public parks. Within the 5-mile Study Area, approximately 146 acres (0.2% of the Study Area) are classified in this category, including uses such as private wild and forest lands (code 910), private hunting and fishing clubs (920), state-owned forest lands (930), public parks (960), and city town or village public parks and recreation areas (963).

To determine the location of other conservation program lands in the Facility Site and the 5-mile Study Area, the Applicant reviewed the National Conservation Easement Database (NCED), an initiative of the U.S. Endowment for Forestry and Communities to compile records from land trusts and public agencies

throughout the United States. There are no conservation easements within the Facility Site. However, there are 52 conservation easements within the 5-mile Study Area, 42 of which are associated with the Genesee Valley Conservancy and the remaining 10 associated with the Natural Resource Conservation Service (NRCS) Wetland Reserve Program (see Figure 3-3). The closest conservation easement is the Nations Farm North - VIII, located 0.15 mile west of the Facility Site at its closest point.

### **(e) Existing Overhead and Underground Major Facilities Map**

Figure 3-4 illustrates existing overhead and underground major facilities for electric, gas, and telecommunications within the 5-mile Study Area.

Two overhead transmission line rights-of-way run north-south through the Facility Site, including the Station 162 to York Center 115 kV line, owned by RG&E, and the Tap to Unknown 69 kV line, owned by National Grid. Within the 5-mile Study Area, two additional overhead electric transmission lines are present. The Golah to North Lakeville 115 kV line runs through the northeastern corner of the 5-mile Study Area, while the South Perry to Station 67 115 kV line runs northeast along the northwestern portion of the 5-mile Study Area. Both of these transmission lines within the 5-mile Study Area are owned by National Grid.

According to data obtained from the U.S. Energy Information Administration, no natural gas or hazardous liquid pipelines are located within or adjacent to the Facility Site. Two below ground intrastate natural gas pipelines, owned and operated by Dominion Transmission Company and Tennessee Gas Pipeline, run northeast to southwest through the central portion of the 5-mile Study Area, approximately 0.4 mile northwest and 1.2 miles southeast of the Facility Site, respectively. There are 306 oil and gas wells within the 5-mile Study Area, the closest being 1.5 miles northeast of the Facility Site. Approximately 85 of these wells are active, 24 have an expired permit, 10 are inactive, 157 are plugged and abandoned, one is shut-in, three have a transferred permit, nine were previously unknown but located, and 17 were previously unknown but not field-located. One plugged and abandoned well exists within the Facility Site, originally developed by Lenape Resources Corporation. Another three wells are located within 500 feet of the Facility Site, including two associated with the abandoned Retsof Salt Mine and one associated with the International Salt Company (see Table 3-7). The oil and gas wells in the 5-mile Study Area are shown in Figure 3-4. The Applicant also conducted a magnetometer survey to identify oil, gas, or mining solution wells within 500 feet of the proposed areas to be disturbed (see Appendix 3-B). Please see Section (u) for additional information on oil and gas wells, including a discussion of potential impacts to those resources.

The Applicant consulted with owners of fiberoptic utilities in the Facility Site and 5-mile Study Area in October and November of 2022 to gather information on where utilities are located in relation to the Facility. Buried and aboveground fiberoptic lines owned and operated by Charter/Spectrum are present within the Facility Site along public road and utility rights-of-way and throughout the 5-mile Study Area. Charter/Spectrum fiberoptic lines within 1 mile of the Facility Site are depicted in Figure 20-1. As indicated by the ALTA survey, Frontier Telephone and Rochester Telephone Company maintain underground communication lines within the Facility Site (see Appendix 5-A). Further information regarding potential effects on communications infrastructure in the Facility Site is presented in Exhibit 20.

The Applicant has consulted with and will continue consulting with owners of overhead and underground utilities within the Facility Site. Impacts to existing infrastructure within the Facility Site will be avoided through marking utility locations prior to construction and through coordination with the affected utilities to ensure construction and installation methods avoid any impacts to these existing utilities. To further minimize potential impacts to underground facilities, the Applicant will become a member of Dig Safely New York in accordance with Title 19 New York Codes, Rules and Regulations (19 NYCRR) §900-6.4(f), as well as comply with 19 NYCRR §900-6.4(g), to the extent applicable. Additional details regarding crossing or adjacent components are shown on the Design Drawings (Appendix 5-A). The Applicant has entered into an interconnection agreement with RG&E which is further described in Exhibit 21.

#### **(f) Tax Parcel Map**

Figure 3-5 illustrates all properties where Facility components will be located and all properties within 1,000 feet of such properties. This map shows current land use based on the NYSORPS property class code (as discussed in Section 3(d)), tax parcel number, and owner of record of each property. Parcel and land use data were obtained from Livingston County and NYSORPS. Information regarding publicly known proposed land uses within the 5-mile Study Area is presented in Section (i). Additional information regarding the Applicant's real property rights within the Facility Site is presented in Exhibit 4.

#### **(g) Zoning District Map**

Figure 3-6 illustrates existing zoning districts within the 5-mile Study Area which occur at the village and town level. No proposed changes to existing zoning or overlay districts are known to the Applicant. A description of the permitted and prohibited uses within each zone is described herein based on data obtained from local governments. The Applicant has reviewed the zoning regulations for the towns within the 5-mile Study Area, including York and Leicester where the Facility is located, as well as the Towns of Avon, Caledonia, Covington, Geneseo, Groveland, Mount Morris, Pavilion, and Perry. Additionally, the Applicant has reviewed local zoning laws for the Villages of Geneseo, Leicester, and Mount Morris. A summary of each municipality's zoning regulations is presented below, with a focus on the permitted and prohibited uses of those zoning districts located within the 5-mile Study Area. Note that the level of detail in these summaries varies based on the level of detail included in each municipality's zoning regulations. See Exhibit 24 (Local Laws and Ordinances) for additional details regarding zoning and local laws within the Towns of York and Leicester.

##### *Town of Avon*

Zoning regulations (Chapter 130 of the Municipal Town Code) were adopted in the Town of Avon in 1992. The Town is divided into the following 12 districts: A (Agricultural District), R-1 (One-Family Residential District), R-2 (One- and Two-Family Residential District), R-3 (Multiple-Family Residential District), B-1 (General Business District), HCD (Hamlet Commercial District), L-I (Light Industrial District), PUD (Planned Unit Development), PDD (Planned Development District), Bi-LI (Combined General Business – Light Industrial District), LR (Limited Residential District), and RH-M (Residential Hamlet Mixed Use District). No

portions of the Facility Site are located within the Town of Avon; however, a portion of the A District is located within the 5-mile Study Area.

The permitted uses of the A District include single-family dwellings, churches and other similar places of worship, including parish houses and convents, municipal parks, playgrounds and recreation areas deemed necessary and appropriate by the Town Board, professional offices and home occupation uses, farms and related farming activities, public buildings, libraries, museums and public and nonprofit private schools accredited by the State Education Department, cluster residential developments, nursing and retirement homes and special placement residences, and seasonal roadside stands, which may be erected and used for the sale of agricultural products, some portion of which is produced on the premises.

### Town of Caledonia

The Town of Caledonia zoning regulations are found in Chapter 130 of the Town Code. The zoning districts and map were adopted by the Town Board in 1994 and amended in 2017, with zoning map updates taking place in 2021. The Town Code establishes the following districts: R-R (Agricultural/Rural Residential), R-1 (Residential), B-3 (Highway Business), I-1 (Light Industry), I-2 (Heavy Industry), L-C (Land Conservation), and P-D (Planned Development). Under the Town of Caledonia zoning ordinances, the proposed Facility would be defined as a Major Solar Energy System. Major Solar Energy Systems are identified as a use permitted in R-R, I-1, I-2, and L-C Districts with a special permit and site plan review, provided the proposed solar energy system complies with the substantive provisions outlined in the amended ordinance. No portions of the Facility Site are located within the Town of Caledonia; however, portions of R-R and LC Districts are located within the 5-mile Study Area.

The permitted uses of the R-R district include any form of agriculture or horticulture, including the storage, processing, and sale of farm products on the property where produced, a one-family dwelling and its accessory buildings and use, other uses and other buildings and structures and accessory uses and private swimming pools, home occupations including professional offices, and bed-and-breakfast establishments and inns.

The permitted uses of the LC district include farm or other agricultural operation, including gardens, nurseries, greenhouses, and usual farm accessory buildings, not including dwellings, park, playground, athletic field, golf course, riding academy, game preserve and other similar uses, including usual accessory buildings, and municipal or public utility structures or facilities.

### Town of Covington

The Town of Covington zoning regulations are found in Article XIV of the Town Code. The zoning districts and map were adopted by the Town Board in 1980 and revised in 2007. The Town Code establishes the following districts: Agricultural, Industrial, Rural Residential, Mobile Home Park, Planned Industrial Development, and Planned Business District. In addition, the Town of Covington has designated a Flood Plain Overlay and Wind Farm Overlay. No portions of the Facility Site are located within the Town of Covington; however, portions of Agricultural and Rural Residential Districts, as well as the Wind Farm Overlay are located within the 5-mile Study Area.

The Applicant sent a written request to the Town of Covington to gather information regarding their zoning regulations in June 2023. A response was received in July 2023, which included the town's zoning map, Comprehensive Plan, and Solar Law. Details regarding the permitted uses in the Agricultural and Rural Residential Districts and the Wind Farm Overlay District were not included. Additionally, as of the date of this Exhibit, the Town's online website is not functioning.

Town of Geneseo

The Town of Geneseo zoning regulations are found in Chapter 106 of the Town Code. The zoning districts and map were adopted by the Town Board in 1977 and amended in 2016. The Town Code establishes the following districts: AZ (Agricultural Zoning), RR (Rural Residential), LDR (Low Density Residential), LR (Lakeshore Residential), HR (Highway Residential), GC (General Commercial), LNC (Lakeshore Neighborhood Commercial), LC (Limited Commercial), GI (General Industrial), LI (Light Industrial), MUI (Mixed-Use I), MUII (Mixed-Use II), and MUIII (Mixed-Use III). The 2019 amendment to this ordinance established provisions specific to solar energy systems such as the Facility. Under the Town of Geneseo zoning ordinances, the proposed Facility would be defined as a Large-Scale Solar Facility. Large-Scale Solar Facilities are identified as a use permitted in all Districts with a special permit, provided the proposed solar energy system complies with the substantive provisions outlined in the amended ordinance. However, if the Town has an Agricultural and Farmland Protection Plan, then no Large-Scale Solar Facilities are permitted on any agricultural priority areas designated by the Plan. The Plan does not permit Large-Scale Solar Facilities in LDR, LR, LNC, A, MUI, MUII, or MUIII Districts. No portions of the Facility Site are located within the Town of Geneseo. Portions of all Districts, except for the LNC and LR Districts, are located within the 5-Mile Study Area.

The permitted uses of the AZ and RR districts include single-family dwellings, two-family dwellings, agricultural operations, ponds, greenhouses and nurseries, religious institutions, open space and parks, roadside farm stands, home occupations, and accessory building or use.

The permitted uses of the LDR district include single-family dwellings, two-family dwellings, agricultural operations, religious institutions, home occupations, and accessory buildings or use.

The permitted uses of the HR district include single-family dwellings, two-family dwellings, and agricultural operations.

The permitted uses of the GC district include professional, medical or dental office, dance, art of music studio, bank or financial institution, retail or personal service or shop, shopping center, mortuary or funeral home, laundromat or dry cleaning outlet, drinking establishment or tavern, restaurant (without drive-through), fitness or health club, broadcasting studio, indoor recreation & entertainment facility, repair shop (not including auto repair), lodging, conference/meeting center, motor vehicle parking lot, mix of permitted uses, educational institution, daycare facilities, church or religious institution, public services, utilities, and municipal uses, printing & publishing operation, dwelling in conjunction with a commercial use, and accessory building or use.

The permitted uses of the LC district include broadcasting studio, repair shop (not including auto repair), motor vehicle parking lot, mix of permitted uses, public services, utilities, and municipal uses, storage and warehousing establishment, printing and publishing operation, and accessory building or use.

The permitted uses of the GI district include lumberyard, warehousing and enclosed storage, food processing, baking, and packaging plants, enclosed assembly of previously manufactured goods and services, printing and publishing of books and newspapers, enclosed research, development, experimental, or testing lab, laundries and dry-cleaning plants, enclosed processing of raw materials, transportation and freight terminal facilities, enclosed fabric and clothing production facilities, self-service storage facility, manufacturing (not including handling of waste products), wholesale trade, enclosed motor vehicle repair, motor vehicle parking lot of garage, public or municipal use, and accessory building or use.

The permitted uses of the LI district include warehousing and enclosed storage, food processing, baking, and packaging plants, enclosed assembly of previously manufactured goods and services, printing and publishing of books and newspapers, enclosed research, development, experimental or testing lab, enclosed fabric and clothing production facilities, self-service storage facility, manufacturing (not including handling of waste products), retail or personal service store or shop, wholesale trade, enclosed motor vehicle repair shop, motor vehicle parking lot or garage, public services, utilities, and municipal uses, and accessory building or use.

The permitted uses of the MUI district include enclosed assembly of previously manufactured goods and services, enclosed fabric and clothing production facilities, enclosed manufacturing facility (not including handling of waste products), enclosed research, development, experimental or testing lab, warehousing and enclosed storage, self-service storage facility, transportation and freight terminal facilities, professional, medical, or dental office, administrative office use, bank or financial institution, call center, data or technology center, broadcasting studio, conference/meeting center, public services, utilities, or municipal uses, motor vehicle parking lot or garage, parks and open space, and accessory building or use.

The permitted uses of the MUII district include single-family dwelling, two-family dwelling, multi-family dwelling, clubs and lodges, retail or personal service store or shop, repair shop (not including auto-repair), laundromat or dry cleaning outlet, dance, fitness, art or music studio, restaurant (no drive-through), professional, medical, or dental office, administrative office use, bank or financial institution, hospital or health care facility, public services, utilities, and municipal uses, motor vehicle parking lot or garage, parks and open space, and accessory building or use.

The permitted uses of the MUIII district include enclosed assembly of previously manufactured goods and services, food processing, baking, and packaging plants, printing and publishing of books and newspapers, enclosed fabric and clothing production facilities, enclosed manufacturing facility (not including handling of waste products), enclosed research, development, experimental or testing lab, retail or personal service store or shop, repair shop (not including auto-repair), restaurant, fast-food, or drive-in, dance, fitness, art or music studio, movie theater or auditorium, indoor recreation facility, gasoline station, veterinary clinic, kennel, laundry and dry-cleaning outlet, lodging, motor vehicle parking lot or garage, parks and open space, and accessory building or use, professional, medical or dental office, administrative office use, bank or

financial institution, call center, data or technology center, broadcasting studio, conference/ meeting center, public services, utilities, and municipal uses.

Town of Groveland

The zoning regulations in the Town of Groveland are provided in The Zoning Ordinance for the Town of Groveland, which was adopted by the Town Board in 1966. This zoning established the following districts in the Town: A (Agricultural Use Districts), R (Residential use Districts), A-I (Agricultural-Industrial Use Districts), LSR (Conesus Lake Shore Residential Use Districts), LR (Conesus Lake Residential Use Districts), W-R (Watershed & Reservoir Use Districts). Two additional zoning districts have since been established: ALB (Agricultural/Limited Business District) and ALIC (Agricultural/Light Industrial/Commercial District). Permitted uses in these zoning districts are generally similar to those established for adjacent municipalities. Electric generating facilities or similar utilities are not specifically permitted or prohibited in the Town zoning code. No Facility components are proposed within the Town of Groveland; however, portions of A/R Residential Districts, as well small portions of the A-I, ALB, and ALIC Districts are located within the 5-mile Study Area.

The permitted uses of the R district include one-family dwellings and two-family dwellings, churches and similar places of worship, parish houses, convents, private and parochial schools and libraries, and home farm and garden operations.

The permitted uses of the A district include all customary agricultural operations, structures and uses including the farm dwelling, and all uses permitted as of right in the R district and the provisions of the R district shall apply.

The permitted uses of the A-I district include customary agricultural operations; manufacturing, transportation and communication terminal facilities; motor vehicle and equipment sales, service, storage, repair, animal sales, and auction lots; wholesale and retail business and commercial greenhouses; sale, storage, and warehousing of building and construction supplies and materials and solid fuels; and food processing and packing plants.

The permitted uses of the ALB district include customary agricultural operations; business offices; offices and clinics for the treatment and care of human beings; funeral homes; banks; employment agencies; artist, performing arts, and photography studios; barbershop, beauty shops, and hair salons; and government sponsored public buildings and grounds.

The permitted uses of the ALIC district include all customary agricultural operations; light manufacturing, processing, fabrication, assembly, or packaging of products from previously prepared materials; manufacture of electronic or optical instruments and devices; industrial offices; wholesale trade; specialty trade industry; motels and hotels; restaurants; vehicle and machinery dealerships; service and repair stations; convenience stores; retail centers; printing, publication, and engraving; storage units; and government sponsored public buildings and grounds.

### Town of Leicester

The Zoning regulations in the Town of Leicester are provided in the Zoning Ordinance of the Town of Leicester, which was adopted by the Town Board in 1968, revised in 1990, and amended in 2019. This zoning established the following districts in the Town: A (Agricultural Use Districts), R (Residential Use Districts), B-1 and B-2 (Business Use Districts), I (Industrial Use Districts), and RC (Recreational Commercial Use Districts). The 2019 amendment to this ordinance established provisions specific to solar energy systems such as the Facility. Under the Town of Leicester's zoning ordinances, the proposed Facility would be defined as a Type 2 Solar Energy System. Type 2 Solar Energy Systems are identified as a use permitted in Agricultural Districts with a special permit, provided the proposed solar energy system complies with the substantive provisions outlined in the amended ordinance. Within the Town of Leicester, parcels associated with the Facility Site are zoned as A/R. Additionally, portions of RC, B-1, B-2, and I are located within the 5-mile Study Area.

The permitted uses of the A district include agriculture, farming operations and agribusiness including crop and livestock farms, horse farms, vineyards, greenhouses, and orchards, single-family and two-family dwellings, seasonal homes, manufactured homes and doublewides, modular homes, private garages and accessory structures/buildings, seasonal farm stands and farm markets, home occupations, plant nurseries and tree farms, private swimming pools, farm labor camp, religious institutions, and accessory structures. Prohibited uses include industrial uses and adult entertainment uses.

The permitted uses of the R district include agriculture and agribusiness including vineyards, greenhouses, and orchards, single-family and two-family dwellings, seasonal homes, manufactured homes and doublewides (not including manufactured homes parks), modular homes, private garages and accessory structures/buildings, home occupations, religious institutions, municipal buildings and services, public schools, public parks and playgrounds, and private swimming pools. Prohibited uses include industrial uses and adult uses.

The permitted uses of the RC district include competition sporting events utilizing a "drag-strip" and/or an oval track and a racetrack or racetracks for the use of any motorized vehicles as well as supporting accessory structures that are typically necessary for the business operation, temporary camping areas for tents and trailers, concession stands, social clubs and attendant social activities both public and private, auto testing, tractor pulling events, rodeos and equestrian events. Prohibited uses include industrial, residential, and adult uses.

The permitted uses of the Business Districts (B-1 and B-2 districts) include professional offices occupying less than 10,000 square feet of building area, services occupying less than 10,000 square feet of building area and including consumer, personal and business services, retail stores occupying less than 10,000 square feet of building area, indoor commercial recreation facilities occupying less than 40,000 square feet of building area in a completely enclosed building, bed and breakfast dwelling, tourist homes, mixed use structures combining permitted commercial use(s) on the first floor or street side of a building and residential use on the upper floor(s) or to the rear of the building, restaurants, private clubs, public use such as place of worship, park or school, salesroom of a shop of a builder, contractor, or artisan, and funeral homes.

The permitted uses of the I district include plants for canning, preserving, processing or manufacturing all types of food derivatives, cold storage plants, laundries, lumber yards, rental of self-service storage facilities, professional offices, research and development facilities, service industries, production, processing, and assembly operations, manufacturing of electrical, electronic, or optical instruments and devices, fabrication of paper products, packaging of products from previously prepared materials, graphic arts and light-printing operations, plastic and chemical product processing, fabrication of wood products, wholesale production of food products, and manufacturing and storage uses for the following: bakeries or baking plants, bottling works, construction materials storage yards, creameries, milk condensing, or dairy plants.

#### Town of Mount Morris

The Town of Mount Morris zoning regulations are found in Chapter 48 of the Town Code. The zoning districts and map were most recently amended in 2016. The Town Code establishes the following districts: L.R. (Low Density Residential), H.R. (High Density Residential), B-1 (Business District), B-2 (Business District), R.C.P.O. District (Residential, Commercial, Professional Office District), and I (Industrial District). The code also contains a Land Conservation Overlay Zone. No portions of the Facility Site are located within the Town of Mount Morris; however, portions of LR Residential District, as well as the Eastern Gateway Overlay are located within the 5-mile Study Area.

The permitted uses of the L.R. district include single-family dwellings and customary accessory uses, farms and customary accessory uses, planned unit developments, home occupation, professional home offices, seasonal roadside business stands for the sale of produce grown on the premises, and individual mobile homes.

Permitted uses within the NYS Route 408 Eastern Gateway Overlay District include agricultural and open space, agricultural related businesses, low-intensity office, retail sales, restaurants and food sales, retail food, general commercial, and light industrial uses. Regulations for this district include the establishment of a buffer zone, which prohibits development within 100 feet of the highway right-of-way and requires visual screening of development, and traffic control devices to regulate vehicular access to NYS Route 408.

#### Town of Pavilion

The Town of Pavilion zoning regulations are found in Article 1 of the Town Code. The zoning districts and map were adopted by the Town Board in 1990 and amended in 2006. The Town Code establishes the following districts: R (Residential), A&R-1 (Agricultural & Residential 1), A&R-2 (Agricultural & Residential 2), C (Commercial), I (Industrial), and PUD (Planned Unit Development). The code also contains a Flood Plain Overlay Zone. Electric generating facilities or similar utilities are not specifically permitted or prohibited in the Town zoning code. No portions of the Facility Site are located within the Town of Pavilion; however, portions of the A&R-1 District are located within the 5-Mile Study Area.

The permitted uses of the A&R-1 district include farm and all usual agricultural operations including stabling of farm animals, one- and two-family dwellings, mobile homes, home occupation, church and other places of worship, parish house, convent, rectory and parsonage, school, public park, playground, library, municipal

building and water system and similar public uses, farm water supply, conservancy and fire protection pond, private stable and accessory use and buildings.

### Town of Perry

Zoning regulations were adopted in the Town of Perry in 1970 and most recently updated in 2016, with additional updates to the zoning map in 2017. The Town is divided into the following seven districts: A-C (Agricultural-Conservation), A-R (Agricultural-Residential), L-R (Low Density Residential), A-1 (Apartment), L-1 (Lake), B-1 (General Business), I-1 (Industrial). In addition, the Town of Perry has a designated Airport Overlay District (AP) and a Flood Hazard Overlay District (FL). No portions of the Facility Site are located within the Town of Perry; however, portions of the A-C District are located within the 5-mile Study Area.

The permitted uses of the A-C district include one-family dwellings, two-family dwellings, agriculture and farming, commercial greenhouses, nurseries, public and quasi-public buildings and grounds, public parks, and playgrounds.

### Town of York

The Town of York zoning regulations are found in Section #1-2009 of the Town of York Local Laws. The zoning districts and map were most recently amended in 2022. The Town Code establishes the following districts: A (Agricultural), R (Residential), HR (Hamlet Residential), HDR (High Density Residential), C (Commercial), HC (Hamlet Commercial), MU (Mixed Use), I (Industrial), LI (Light Industrial), and PD (Planned Development). The code also contains an Adult Use Overlay (AUO) and Wind Overlay. The 2018 amendment to this ordinance established provisions specific to solar energy systems such as the Facility. Under the Town of York zoning ordinances, the proposed Facility would be defined as a Type 2 Solar Energy System. Type 2 Solar Energy Systems are identified as a use permitted in all Districts with a special permit, provided the proposed solar energy system complies with the substantive provisions outlined in the amended ordinance. Approximately 70% of the Facility Site is located within the Town of York. Portions of all Districts are located within the 5-Mile Study Area. The Facility Site is comprised of parcels that are entirely located within the A District.

The permitted uses of the A district include agricultural operations, agri-business, farm ponds, greenhouses, horticultural uses, single-family dwellings, accessory uses, farm markets, and farm stands.

The permitted uses of the R district include agricultural operations and all related uses, excluding industrial agricultural operations, single-family dwellings, two-family dwellings, churches, home occupations, and accessory uses.

The permitted uses of the HR district include single-family dwellings, two-family dwellings, townhomes, patio homes, churches, home occupations, and accessory uses.

The permitted uses of the HDR district include two-family dwellings, multi-family dwellings, townhomes, patio homes, churches, manufactured home communities, home occupations, and accessory uses.

The permitted uses of the C district include general business, retail & office, professional services, personal services, clubs & lodges, lodging, theaters, dance, art, & music studio, municipal buildings, car wash, dry cleaning, outlets, fuel sales, drive-thru facilities, self-storage facilities, funeral homes, animal hospitals, health clubs, outdoor entertainment, and accessory uses.

The permitted uses of the HC district include two-family dwellings, multi-family dwellings, retail & office, professional services, clubs & lodges, lodging, theaters, dance, art, or music studio, health clubs, public & municipal buildings, and accessory uses.

The permitted uses of the MU district include commercial uses and light industrial uses as listed in section 405.B and 407.B, respectively, in the Town Code.

The permitted uses of the I district include manufacturing, bank earth products, terminal facilities, bulk fuels, industrial agriculture enterprise, food processing & packing plants, outdoor storage, and accessory uses.

The permitted uses of the LI district include warehouses, self-storage facilities, research & development, building & construction materials, wholesale business, and accessory uses.

The permitted uses of the PD district include lodging (hotels and motels), shopping plazas, drive-in theaters, single-family housing developments, multi-family housing developments, industrial centers, natural resource conservation, business parks, manufactured home communities, and parks & recreation.

The Adult Use Overlay District establishes an acceptable area where adult entertainment uses may be developed, for which special use permits are required.

The Wind Overlay District allows for the development of Wind Energy Facilities, pursuant to a rezoning application with site plan review and special use permit approval. Wind Overlay Zones may only be created in the Agricultural District.

### Village of Geneseo

Zoning regulations were adopted in the Village of Geneseo in 1972 and most recently updated in 2018. The Village is divided into the following 10 districts: R-1 (Single-Family Residential), R-2 (Mixed Residential), R-3 (Mixed/Multi-Family Residential), CR (Community Resources), MU-1 (Mixed-Use), MU-2 (Mixed-Use), C-1 (Commercial), CI-1 (Commercial/Industrial), WMU (Waterfront Mixed-Use), PRD (Planned Residential Development). In addition, the Village of Geneseo has a designated Open Space Overlay District (OSOD) and an Access Management Overlay District (AM). No portions of the Facility Site are located within the Village of Geneseo; however, portions of all districts are located within the 5-mile Study Area.

The permitted uses of the R-1 district include single family dwellings, accessory buildings, agriculture, congregate housing, boarding or rooming houses, bed-and-breakfasts, detached garages, inns, private swimming pools, nature preserves, and small cell wireless facilities.

The permitted uses of the R-2 district include single family dwellings, accessory buildings, cultural use facilities or museums, congregate housing, boarding or rooming houses, bed-and-breakfasts, detached garages, private swimming pools, nature preserves, and small cell wireless facilities.

The permitted uses of the R-3 district include single family dwellings, two-family dwellings, attached or row dwellings, multifamily dwellings, accessory buildings, congregate housing, accessory dwelling units, detached garages, private swimming pools, nature preserves, and small cell wireless facilities.

The permitted uses of the CR district include recreational areas, government offices, public use, and small cell wireless facilities.

The permitted uses of the MU-1 district include office buildings, single family dwellings, two-family dwellings, attached or row dwellings, multifamily dwellings, funeral homes, retail, accessory buildings, congregate housing, cultural use facilities or museums, bed-and-breakfasts, inns, animal hospitals or veterinary clinics, accessory dwelling units, boarding or rooming houses, detached garages, mixed-use structures, private swimming pools, and small cell wireless facilities.

The permitted uses of the MU-2 district include office buildings, retail, congregate housing, indoor commercial recreation, funeral homes, accessory buildings, single family dwellings, two-family dwellings, multifamily dwellings, attached or row dwellings, motor vehicle sales, service stations, or repair, inns, bed-and-breakfasts, hotels, government offices, motor vehicle washes, recreational areas, daycare centers, animal hospitals or veterinary clinics, residential care facilities, detached garages, mixed-use structures, private swimming pools, agriculture, and small cell wireless facilities.

The permitted uses of the C-1 district include accessory buildings, office buildings, funeral homes, indoor commercial recreation, cultural use facilities or museums, retail, multifamily dwellings, light industry, animal hospitals or veterinary clinics, mixed-use structures, and small cell wireless facilities.

The permitted uses of the CI-1 district include retail, office buildings, motor vehicle sales, service stations, or repair, public utilities, warehouses, wholesale, or distribution centers, light manufacturing, daycare centers, government offices, indoor commercial recreation centers, recreational areas, residential care facilities, hotels, animal hospitals or veterinary clinics, mixed-use structures, contractors' yards, and small cell wireless facilities.

The permitted uses of the WMU district include attached or row dwellings, bed-and-breakfasts, inns, mixed-use structures, private swimming pools, and small cell wireless facilities.

The permitted uses of the PRD district include single-family detached dwellings, attached or row dwellings (also known as townhouses), and apartment buildings, excluding social clubs, sororities and fraternities, whether recognized or unrecognized. Additional permitted uses include common, public or private open space, park or recreation areas, including playgrounds, woodland, conservation areas, walkways, trails, stream-crossing and drainage control areas and other similar recreational uses, municipal, church or philanthropic uses, model home exhibits, temporary sales and construction offices and uses accessory thereto, solely in conjunction with the planned residential development.

The Open Space Overlay District provides controls to guide land development adjacent to significant open spaces, waterway corridors, wetlands, steep slopes, scenic views, and other sensitive environmental areas. A development permit for this district may be required prior to pursuing regulated activities, including the construction of new buildings or structures or additions to or modifications of existing buildings or structures; construction or placement of on-site septic or sewage disposal system; filling, cutting, or excavation on land, within a watercourse, or in a floodplain; removal of natural vegetation; discharge of stormwater and/or construction of a stormwater runoff system; outside storage of materials and equipment used in the conduct of a business; activities that would alter the natural flow of a watercourse; construction of roads, trails, or bridges; construction of boat launching sites and fishing access parking areas; or the placement of permanent signs.

The Access Management Overlay District provides for future growth and development of the Village and provides for adequate facilities for housing, transportation, distribution, comfort, safety, health, and welfare of the population. It includes procedures to manage access to properties while preserving operating efficiency of the roadway system, improve the safety of motorists and non-motorists, reduce traffic congestion and delay associated with poor access location and design, and coordinate access management with the NYSDOT and Livingston County.

#### Village of Leicester

The Village of Leicester zoning regulations are found in Chapter 190 of the Village Code. The zoning districts and map were adopted by the Village Board in 1994 and most recently amended in 2020. The Village Code establishes the following districts: R-1 (Residential 1), R-2 (Residential 2), R-3 (Residential 3), C-1 (Neighborhood Commercial District), and I (Industrial). Electric generating facilities or similar utilities are not specifically permitted or prohibited in the Village zoning code. No portions of the Facility Site are located within the Village of Leicester; however, portions of all districts are located within the 5-mile Study Area.

The permitted uses of the R-1 district include single-family dwellings, accessory buildings, and home occupations.

The permitted uses of the R-2 district include single-family dwellings, two-family dwellings, accessory buildings, home occupations, child daycares, and boarding houses.

The permitted uses of the R-3 district include single-family dwellings, two-family dwellings, multifamily dwellings, accessory buildings, home occupations, child daycares, and boarding houses.

The permitted uses of the C-1 district include bakeries, retail stores and services, warehouses and storage facilities, funeral homes, businesses and professional offices, restaurants, accessory buildings, hotels and motels, banks, medical and veterinary facilities, clubs, community centers, child daycare centers, single-family dwellings, two-family dwellings, and home occupations.

The permitted uses of the I district include enclosed manufacturing industries, enclosed warehouses or wholesale uses, public utilities, enclosed services and repair, machinery and transportation equipment, sales,

service, and repair, enclosed industrial processes and services, freight or trucking terminals, contractor's yards, and accessory buildings and uses.

### Village of Mount Morris

The zoning regulations in the Village of Mount Morris are provided in Chapter 232 of the Village Code. Chapter 232 was adopted by the Board of Trustees of the Village of Mount Morris in September 1997. This zoning ordinance established the following districts in the Village: R-1 (Single Family Residence District), R-2 (Two-Family Residence District), R-3 (Multifamily Residence District), B-1 (Local Business District), B-2 (Central Business District), B-3 (General and Highway Business District), I (Industrial District), MH (Mobile Home District), and AG (Agricultural District). No Facility components are proposed within the Village of Mount Morris; however, portions of the R-1, B-3, I, and AG districts are located within the 5-mile Study Area.

The permitted uses of the R-1 district include single-family residences, churches or similar places of worship, parish houses, and convents, public parks, playgrounds, and recreational areas operated by the Village, and public and private schools.

The permitted uses of the B-3 district include antique shops, automotive sales and accessory services, automotive repair shops, bakeries, drive-in restaurants, frozen food lockers, laundry and dry-cleaning plants, motels and hotels, outdoor sales and displays, publishing and printing shops, veterinary facilities, wholesale distributors, and any other business or service establishment or use which is determined by the Board of Appeals to be of the same general character as the above permitted use.

The permitted uses of the I district include any use permitted in the B-3 General and Highway Business District, manufacture of machinery such as: carburetor and small machine parts, etc., fabrication of metal products such as: baby carriages; bicycles; metal foil, tin, etc., fabrication of paper products such as: bags; book bindings, etc., warehousing or storage of goods and products such as building materials and farm supplies, office buildings, scientific or research laboratories, and manufacturing and processing of pharmaceutical and cosmetic products.

The permitted uses of the AG district include single-family residences, agriculture and general farming, places of worship, convents, cemeteries, and facilities of recognized religious groups, municipal parks, playgrounds, and related building, home occupations, and schools.

### **(h) Comprehensive Plans**

The Applicant reviewed existing comprehensive plans adopted by municipalities where Facility components or ancillary features are located. As previously stated, all Facility components are located within the Towns of York and Leicester, Livingston County, New York. Both the Towns of Leicester and York have adopted their own respective comprehensive plans. In addition, the Genesee/Finger Lakes Regional Planning Council (G/FLRPC) has developed a *Genesee-Finger Lakes Economic Development District Comprehensive Economic Development Strategy* (n.d.). The compatibility of the Facility with the local comprehensive plans is discussed below.

### Town of York Comprehensive Plan of 2006

The *Town of York Comprehensive Plan* was adopted in 2006 and provides a framework for community growth and preservation to accommodate future development in a manner that protects the environment, preserves community values, and maintains the rural character of the Town through 2026. The Plan evaluates existing policies influencing the Town, takes inventory of existing conditions as they relate to planning and strategy, provides an analysis of potential opportunities, problems, and constraints, and provides directive goals and policies to implement the Plan. The Plan includes a review of existing planning and strategic issues, as well as goals for revitalization, a review of future land use planning, and implementation actions for the Town to follow. The goals and recommended actions of the Plan include:

- Preserve and enhance the community's rural characteristics, natural beauty, cultural and natural resources, agricultural land, and residential neighborhoods
- Conserve environmentally sensitive areas with particular attention given to areas with slopes, wetlands, floodplains, woodlands, and other critical environmental features
- Attract new employers in order to broaden the town's property tax base.

The proposed Facility is generally compatible with the *Town of York Comprehensive Plan*. The Facility explicitly relates to the goal of promoting and facilitating economic development while promoting sustainable growth. The Facility is anticipated to have local, countywide, and statewide economic benefits. Specifically, utility-scale solar energy development, like other commercial development projects, can support a wide range of socioeconomic benefits including job creation, purchases of local materials and services, and direct revenue to local municipalities in the form of Payment in Lieu of Taxes agreements and Host Community Agreements. Please see Exhibit 18 for additional information on the potential socioeconomic effects of the proposed Facility.

Additionally, the Plan's goal of protecting and enhancing agricultural resources to support agriculture as an industry and land use will be supported by the construction and operation of the Facility. As further detailed in Exhibit 15 (Agricultural Resources), the participating agricultural landowners will be provided payments for leasing their lands to the Project that will allow them to continue agricultural operations on other lands.

The Town of York Comprehensive Plan makes no specific references to solar energy generation. Rather, the Town of York has established Local Law No. 2 (2018), amended by Local Law No. 6 (2019) and Local Law No. 4 (2023), which regulates solar energy systems. Under the local law, the Facility is considered a Type 2 Solar Energy System. The Facility is generally in compliance with the Town's solar law, with the exception of coverage of agricultural soils as defined by the USDA NRCS. See Exhibit 24 for information regarding the Facility's compliance with local laws and ordinances and Exhibit 15 for discussion of the Facility's impact on agricultural resources.

### Town of Leicester Comprehensive Plan of 2022

The *Town of Leicester Comprehensive Plan* was adopted in 2022 and evaluates existing policies influencing the Town, inventories existing conditions as they relate to planning and strategy, analyzes potential

opportunities, problems, and constraints, and establishes goals and policies to implement the Plan over the next decade. Recommended actions listed in the Plan that are relevant to the Facility include the encouragement of farming as the preferred land use in viable agricultural areas, the protection of natural resources, the utilization of abandoned agricultural land, and encouraging economic development in the Town. Economic development is a key goal of the Plan. Because the proposed solar Facility will introduce a new funding source through additional tax revenue and landowner lease payments, it contributes directly to the Plan's economic objectives. Additionally, as detailed in Section (d), the primary land use within the Facility Site is agricultural, with nearly 30% of lands being classified by the NYSORPS as vacant agricultural lands (2022). As further detailed in Exhibit 15 (Agricultural Resources), the participating agricultural landowners will be provided payments for leasing their lands to the Project that will allow them to continue agricultural operations on other lands. These landowners will also be committing to hosting the Facility on their lands for the life of the Facility, or approximately 35 years or more. Therefore, the proposed Facility is generally compatible with the *Town of Leicester Comprehensive Plan*.

The Town of Leicester has established Local Law Number 5 (2019) to implement zoning requirements for solar energy systems. Under this local law, the Facility is considered a Type 2 Solar Energy System and only allowed in the Agricultural (A) zoning district. A portion of the Facility is also proposed within the Agricultural & Residential Use (A&R) district. Local Law Number 5 (2019) also establishes setback requirements to prevent encroachment to property boundaries and dwellings not associated with a solar project, with which the Facility complies. Information regarding the Facility's compliance with local laws and ordinances is provided in Exhibit 24.

#### Genesee-Finger Lakes Economic Development District Comprehensive Economic Development Strategy

*The Genesee-Finger Lakes Economic Development District Comprehensive Economic Development Strategy* (n.d.) provides a review of existing conditions regarding population and economics, land use, economic development, tourism and recreation, and natural resources in the region that include Livingston County. It also provides information regarding solar energy strategies and the regional economic impact of energy projects:

*"Transmission-scale solar pv arrays have also begun to take foothold in the Region. With ample southern facing exposures and with the major transmission lines dissecting the Region, solar pv opportunities appear ideal. With solar installer as the fastest growing job in NYS in 2019, according to NYSERDA's 2019 Clean Energy Industry Report, the promise of solar is appealing."*

The strategic plan also includes the relevant goals to preserve agricultural land resources, support the agricultural economy and related businesses, and promote energy assets within the Genesee-Finger Lakes region for successful attraction of companies. The proposed Facility would help the G/FLRPC realize their goals by encouraging solar energy and supporting continued agricultural use in the area. The Facility also will contribute significant monetary value to the host communities, and to the rural landowners who plan to continue agricultural operations on lands outside the Facility Site, as further detailed in Exhibits 18 (Socioeconomic Impacts) and 15 (Agricultural Resources).

### (i) Map of Proposed Land Uses

Figure 3-7 identifies all publicly known proposed land uses within the 5-mile Study Area for the Facility identified by the Applicant. To obtain information regarding publicly known proposed land use plans, on March 10, 2023, the Applicant distributed consultation letters to the municipalities within the 5-mile Study Area, with copies provided to the Town Supervisor/Village Mayor, Code Enforcement Officer and municipal attorney, requesting local feedback regarding any proposed land uses in the vicinity of the proposed Facility. The Town of Mount Morris, the Town of Caledonia, and the Town of Perry responded that the Towns do not have any developments approved or under review within 5 miles of the Facility. This correspondence is included in Appendix 2-B on local consultations.

Further, the Applicant reviewed publicly available meeting minutes for local planning and zoning board meetings for the Towns and Villages in the 5-mile study area to identify potential new land use plans which might warrant consideration in this Application. The most recent six months of meeting minutes were reviewed, to the extent available, for references to large development projects, residential subdivisions or other land use projects of note. Thus, the Application reflects publicly known proposed land uses within the 5-mile Study Area, to the extent any exist. No large proposed development projects were identified during a review of publicly available meeting minutes for Towns and Villages within the 5-mile study area.

In addition, the Applicant reviewed the New York State Department of Public Service and the Office of Renewable Energy Siting (ORES) website for utility-scale renewable energy projects for which a case number/matter number has been issued. Based on this review, no additional proposed utility-scale renewable energy projects were identified within the 5-mile Study Area.

Finally, the Applicant examined NYSDEC data on installed and proposed utility-scale solar projects to estimate potential land use changes from projects like the White Creek Solar Project (NYSDEC, 2021). The NYSDEC maintains a database of existing and proposed solar projects across New York State by cataloging project review requests submitted to the New York Natural Heritage Program (NYNHP). The database records provide a relatively complete inventory of projects across New York; however, the database contains duplicate data for projects that have submitted multiple review requests to the NYNHP and the project footprints (i.e., areal extent) are not current in most cases. The other limitation of the project records in this database is that they do not necessarily indicate the current project status for many solar projects. However, it is the only centralized source of solar project information in the state.

According to the existing and proposed solar projects data obtained from the NYSDEC and through local consultation, there are two solar projects that have been proposed within the 5-mile Study Area, in addition to the White Creek Solar Project. Both of these projects are located in the Town of York and are being reviewed under the State Environmental Quality Review Act (SEQRA). The proposed York Solar Project is owned by Geronimo Energy, which was recently acquired by National Grid Renewables. It is not clear from publicly available information whether this project is still being pursued. The second project is for a ground-mounted solar array at the York Veterinary Clinic. These projects are planned to occur on approximately 133.6 acres, or less than 1% of land within the Study Area. The generating capacity of the proposed projects within 5 miles of the Facility totals less than 10 megawatts. The Applicant also reviewed the NYSDEC

Environmental Notice Bulletin for Region 8 and found no additional renewable energy projects being reviewed under the State Environmental Quality Review Act (SEQRA) within the 5-mile study area.

The Applicant reviewed the 2019 National Land Cover Database to determine the approximate land uses present within the project area for each proposed solar Facility (USGS, 2021). As noted above, the NYSDEC dataset may not have the most up-to date information regarding current project layout. The land use reported within the project area for each facility may not accurately represent the anticipated footprint of components.

Approximately 2.1% of the 5-mile Study Area has been proposed for renewable energy development. As indicated in Table 3-2, the land use types present at the Facility Site and where other projects are proposed are prevalent throughout the 5-mile Study Area. The greatest impact to land use is related to cultivated croplands, which are primarily classified as row crops of corn and soybeans (USDA, 2021). These crop cover types are prevalent regionally and throughout New York State; therefore, no significant impact to land use is anticipated. Impacts to agricultural lands are further discussed in Exhibit 15.

Table 3-2. Land Use Associated with Proposed Renewable Energy Projects Within 5-miles

Project Name	Proposed Generating Capacity (MW) <sup>1</sup>	Current Permitting Phase	Town	County	Approximate Distance to White Creek Solar (miles)	Approximate Project Area (Acres) <sup>1</sup>	Developed Lands within Project Area (Acres) <sup>2</sup>	Cultivated Crop Lands within Project Area (Acres)	Pasture and Hay Lands within Project Area (Acres)	Grasslands within Project Area (Acres) <sup>3</sup>	Forestland within Project Area (Acres) <sup>4</sup>	Scrub/Shrub lands within Project Area (Acres)
White Creek Solar Project	135	Section 94-c Pre-Application	York, Leicester	Livingston	0.0	1,678.7	44.0	1,115.6	71.0	10.2	429.9	5.0
York Solar Project	<10	SEQRA - Proposed	York	Livingston	0.8	133.1	65.5	83.3	1.9	0.0	48.0	0.0
York Vet Hospital Ground-Mounted Solar	<1	SEQRA - Proposed	York	Livingston	2.1	0.5	0.0	0.5	0.0	0.0	0.0	0.0
<b>Total in 5-Mile Study Area</b>	<b>&lt;211</b>	-	-	-	-	<b>1,812.3</b>	<b>109.5</b>	<b>1,199.4</b>	<b>72.9</b>	<b>10.2</b>	<b>477.9</b>	<b>5.0</b>
<b>Percent of Study Area</b>	-	-	-	-	-	<b>2.1%</b>	<b>0.1%</b>	<b>1.4%</b>	<b>&lt;0.1%</b>	<b>&lt;0.1%</b>	<b>0.5%</b>	<b>&lt;0.1%</b>

1. As identified in the NYSDEC dataset or publicly available documents for each project or calculated by the Applicant.

2. Includes developed land classes of open space, low, medium, and high intensity (USGS, 2021).

3. Includes grassland/herbaceous and emergent herbaceous wetlands (USGS, 2021).

4. Includes deciduous forest, woody wetlands, mixed forest, and evergreen forest (USGS, 2021).

Note: The calculations resulting in the totals above were performed using the total proposed Project Area for each respective project, as final limits of disturbance were not provided or publicly available. Disturbance areas for all projects should be less than this area and generally fall more heavily within agricultural areas. Overall impacts, therefore, are presumed to be smaller and more concentrated.

**(j) Map of Specially Designated Areas**

Figure 3-8 maps specially designated areas, including designated agricultural districts and flood-prone areas within the 5-mile Study Area. Table 3-3 summarizes the sources of data used to prepare this map and whether the specially designated areas listed in 19 NYCRR 900-2.4(j) are found within the 5-mile Study Area.

**Table 3-3. Sources of Data Used to Prepare Mapping of Specially Designated Areas**

Mapping Requirement	Source	Specially Designated Area Present within 5-mile Study Area
Designated coastal areas	NYS GIS Clearinghouse, NYS Department of State	None
Inland waterways	NYS GIS Clearinghouse, NYS Department of State	Yes, See Figure 3-8
Local waterfront revitalization program areas – approved plans	NYS GIS Clearinghouse, NYS Department of State	None
Groundwater management zones	NYS GIS Clearinghouse	None
Designated agricultural districts	NYS GIS Clearinghouse	Yes, See Figure 3-8
Flood-prone areas	NYS GIS Clearinghouse, FEMA	Yes, See Figure 3-8
Critical environmental areas	NYSDEC	None
Coastal erosion hazard areas	NYSDEC	None

There are no designated coastal areas, local waterfront revitalization program areas, groundwater management zones, critical environmental areas, or coastal erosion hazard areas within the 5-mile Study Area (NYSDEC 2016a; NYSDPS 2016; NYSDOS, 2012). According to the Federal Emergency Management Agency (FEMA) Flood Map Service Center, Flood Rate Insurance Maps are available for all towns within the 5-mile Study Area. There are small portions of mapped 100-year flood zones within the Facility Site. Additional mapped 100-year and 500-year flood zones are located throughout the Study Area, mainly associated with the Genesee River (see Figure 3-8). No Facility components are proposed within any mapped flood hazard areas.

The New York Coastal Management Program (CMP) was approved by the National Oceanic and Atmospheric Administration in 1982 as part of the state’s participation in the Coastal Zone Management Act (CZMA) of 1972. The CZMA was developed to address development in coastal areas and to increase state involvement in comprehensive coastal planning and protection. The CZMA and associated programs are administered through National Oceanic and Atmospheric Administration. Inland waterways, which are designated through the NYS CMP, include the state’s major inland lakes and rivers. The Genesee River is

the closest designated inland waterway to the proposed Facility and is located approximately 780 feet east of the Facility Site at its closest point. No adverse impacts to the river are anticipated because of construction or operation of the Facility. Exhibit 13 (Water Resources and Aquatic Ecology) provides further information regarding surface waters and potential impacts from the Facility.

Figure 3-8 depicts agricultural district land within and adjacent to the Facility Site. Approximately 1,630 acres (97%) of parcels in the Facility Site are enrolled in a New York State Certified Agricultural District, established pursuant to Article 25-AA of the New York Agriculture and Markets Law. Within 5 miles of the Facility, approximately 58,229 acres of land is enrolled in an agricultural district, or approximately 66% of all lands within the Study Area. Five agricultural districts are located within the 5-mile Study Area: Genesee County Agricultural District 3 (1,916 acres), Wyoming County Agricultural District 3 (5,906 acres), and Livingston Agricultural District 1 (35,491 acres), 2 (14,211 acres), and 3 (705 acres). New York State Agriculture and Markets Law § 303b allows land to be added to agricultural districts through an annual process; however, land can only be removed from districts as part of a mandatory 8-year review. The five agricultural districts were last reviewed on the following dates: Genesee County Agricultural District 3 (2019), Wyoming County Agricultural District 3 (2017), and Livingston Agricultural District 1 (2021), 2 (2021), and 3 (2015). (Livingston County Planning Department, 2022; Genesee County Agriculture and Farmland Protection Board, 2017).

The purpose of agricultural districting is to encourage the continued use of farmland for agricultural production by providing a framework to limit local regulation on farm practices, modify public agencies' ability to acquire land through eminent domain, modify the right to advance public funds to construct facilities that encourage development, require state agencies to modify regulations to encourage farming, and provide Right to Farm provisions for protection from private nuisance suits. The Agricultural Districts Law also allows reduced property tax bills for land in agricultural production by limiting the property tax assessment of such land to its prescribed agricultural assessment value. Depending on the design and construction plans, projects such as the Facility can be consistent with and supportive of agricultural land uses and districts and allow the site to return to prior agricultural use following decommissioning. A detailed discussion of agricultural resources and impacts is provided in Exhibit 15 (Agricultural Resources).

#### **(k) Recreational and Other Land Uses**

Figure 3-9 illustrates recreational areas and other sensitive land uses known to the Applicant within the 5-mile Study Area.

The Applicant has conducted extensive study of the historic and cultural resources in the vicinity of the Facility and has sited components to avoid these areas (see Exhibit 9 [Cultural Resources] for more information). The Applicant will also install visual mitigation plantings in certain areas to allow the Facility to fit within the character of the existing landscape to mitigate visual effects (see Exhibit 8 [Visual Impacts] for more information on visual impacts). In addition, as a renewable energy generating facility, the Facility will enhance the quality of water and air in the area by producing energy without the use of fossil fuels and by minimizing impacts to state-protected surface waterways as further described in Exhibit 17 (Consistency with Energy Planning Objectives) and Exhibit 13 (Water Resources and Aquatic Ecology).

Table 3-4 summarizes the sources of data used to prepare Figure 3-9 and identifies whether the respective land use is found within the 5-mile Study Area.

**Table 3-4. Mapping of Recreational and Sensitive Areas**

Mapping Requirement	Source	Recreational and Sensitive Areas Present within 5-mile Study Area
Wild, scenic and recreational river corridors	National Wild and Scenic Rivers System	Yes, See Figure 3-9
Open space	NYS GIS Clearinghouse, NY Protected Areas Database	Yes, See Figure 3-9
Archaeological and historic resources	On-Site Survey, State and National Registers of Historic Places	Yes, See Figure 3-9
Geologic resources	New York State Museum	Yes, See Figure 3-9
Wildlife management lands	NYS GIS Clearinghouse, NYSDEC, U.S. Fish and Wildlife Service	None
Parks	NYS GIS Clearinghouse, NY Protected Areas Database, Local Consultation	Yes, See Figure 3-9
NYSDEC lands	NYS GIS Clearinghouse, NYSDEC	Yes, See Figure 3-9
Conservation easement lands	National Conservation Easement Database; NYS GIS Clearinghouse	Yes, See Figure 3-9
State and federal scenic areas and byways	NYS DOT; NYS GIS Clearinghouse	None
Nature preserves	NYS GIS Clearinghouse, NY Protected Areas Database	None
Designated trails	NYS GIS Clearinghouse	Yes, See Figure 3-9
Public-access fishing areas, camping areas	NYS GIS Clearinghouse, NYSDEC	None
Major communication and utility uses and infrastructure	Charter Communications Inc., d.b.a. Spectrum	Yes, See Figure 20-1
Institutional, community and municipal uses and facilities	ESRI; TIGER/line files; NYS GIS Clearinghouse	Yes, See Figure 3-9

No state or federal scenic areas or byways, nature preserves, national forests, wildlife management lands, or public-access fishing or camping areas exist within the 5-mile Study Area.

The NYSDEC Maintains a list of wild, scenic, and recreational river corridors in New York State (NYSDEC, 2023). One wild, scenic, and recreationally designated reach of the Genesee River falls within the southern

portion of the 5-mile Study Area. No other designated river corridors occur within the 5-mile Study area or the Facility Site boundary.

Areas identified in the New York Protected Areas Database include local, state, and federally owned and/or protected lands, some of which are included in the New York State Open Space Plan (2016). The 5-mile Study Area contains 11 local open spaces: five local parks (Highland Park, Boyd Parker Park, Genesee Veterans Memorial, Kelsey Field, and Temple Hill Cemetery), one county park (Livingston County Park), and two state parks (Genesee Valley Greenway State Trail and Letchworth State Park). In addition, the NYS Groveland Secondary Trailway falls within the 5-mile Study Area. Other conserved or preserved lands include eight privately-owned parcels enrolled in the Wetlands Reserve Program through the U.S. Department of Agriculture (USDA) NRCS, 40 Genesee Valley Conservancy conservation easements, and a United States Army Corps of Engineers US Reservation. None of these features are within the Facility Site.

The State and National Registers of Historic Places (S/NRHP) dataset was reviewed to determine the presence of any historic and archaeological resources within the 5-mile Study Area. S/NRHP-listed resources within the 5-mile Study Area include five houses of historical importance, a historic district in the Village of Genesee, a rail station in the Village of Leicester, two parks in the Town of Leicester (Boyd & Parker and Groveland Ambuscade Parks), the Williamsburg Cemetery, and Letchworth State Park. In addition, 73 historic resources have been determined to be eligible for listing on the S/NRHP, including 27 individual properties and 46 contributing properties that are part of three S/NRHP-eligible historic districts (Leicester Historic District, Livingston County Home, and the Former Mount Morris Tuberculosis Hospital). The National Historic Preservation Act, the New York State Historic Preservation Act, and the New York State Historic Preservation Office policy all recommend protecting archaeological site locations from public disclosure to ensure preservation of important archaeological resources. The Applicant conducted on-site surveys for archaeological and historic resources in consultation with the State Historic Preservation Office. Resources found on the Facility Site are not included in mapping for this Exhibit and are further described in Exhibit 9 (Cultural Resources).

The New York State Museum maintains a dataset of geology, lithology, and related structures throughout the state. According to this dataset, bedrock within the 5-mile Study Area can be described as shale, limestone, siltstone, and sandstone. Shale, limestone, and siltstone are present within the Facility Site. The closest linear topographic feature to the Facility Site is the Letchworth gorge located within Letchworth State Park, which is approximately 4 miles southwest of the Facility (see Figure 3-9). More information regarding the geology of the Facility Site is presented in Exhibit 10 (Geology, Seismology and Soils).

Several trails are present throughout the 5-mile Study Area. The Genesee Valley Greenway State Trail and Snowmobile Trail run adjacent to the Facility Site. The Caledonia Trail Blazers, the Sleds of Stafford, and Letchworth State Park maintain a network of four snowmobile trails throughout the Study Area. One trail within Letchworth State Park, the Highbanks Trail, overlaps the 5-mile Study Area. In addition, a portion of the Finger Lakes Trail overlaps the southern portion of the 5-mile Study Area. No other designated trails are present in the 5-mile Study Area, and none are present within the Facility Site.

The Applicant consulted with owners of major communication and other utilities within the 5-mile Study Area. Figure 3-4 shows the locations of electric and gas infrastructure and Figure 20-1 shows the location of major fiberoptic lines within the 5-mile Study Area. Section (e) provides more information regarding major utilities in the Facility Site and the 5-mile Study Area.

Several institutional, community and municipal uses and facilities are present within the 5-mile Study Area. These include four public schools (Geneseo Elementary, Geneseo Middle/High, York Central Elementary, York Middle/High), one private school (Genesee County Christian School), one college (State University College at Geneseo), nine Hamlets (Cuylerville, Fowlerville, Greigville, Linwood, Peoria, Piffard, Retsof, Wadsworth, and York), 11 cemeteries, (Taunton, Greigsville, Pleasant Valley, Job, Mount Pleasant, Williamsburg, Saint Marys, Temple Hill, Scottish, Inverness, and Mount Nash), the Leroy reservoir, and several municipal buildings.

**(l) General Compatibility with Existing Land Use Within 1 Mile**

According to the NYSORPS, approximately 69% of the 1-mile Study Area can be categorized as Agricultural land, which is defined as “property used for the production of crops or livestock.” Approximately 14% of the 1-mile Study Area is characterized as Residential, which is defined as “property used for human habitation.” Vacant Land, which is defined as “property that is not in use, is in temporary use, or lacks permanent improvement,” constitutes approximately 6% of the 1-mile Study Area. Approximately 3% of the 1-mile Study Area is characterized as Industrial, and approximately 1% of the 1-mile Study Area is characterized as Commercial. All other categories, including Recreation and Entertainment, Community Services, Public Services, Wild, Forested, Conservation Lands and Public Parks, and unknown classes each comprise less than 1% of the 1-mile Study Area. Table 3-4 summarizes land use within 1 mile of the Facility Site.

**Table 3-5. Land Use within 1-mile of the Facility Site**

NYSORPS Land Use	Acres within the Facility Site	Acres within 1-Mile Study Area
100 - Agricultural	1,628 (97.0%)	8,506 (69.1%)
200 - Residential	6 (0.4%)	1,686 (13.7%)
300 - Vacant Land	25 (1.5%)	750 (6.1%)
400 - Commercial	<1 (<0.1%)	171 (1.4%)
500 – Recreation and Entertainment	0 (0.0%)	2 (<0.1%)
600 - Community Services	0 (0.0%)	134 (1.1%)
700 - Industrial	0 (0.0%)	411 (3.4%)
800 - Public Services	4 (0.2%)	169 (1.4%)

NYSORPS Land Use	Acres within the Facility Site	Acres within 1-Mile Study Area
900 - Wild, Forested, Conservation Lands and Public Parks	0 (0.0%)	40 (0.3%)
Unknown	0 (0.0%)	30 (0.2%)
<b>Total</b>	1,664 <sup>3</sup>	11,898

Potential impacts to existing land uses adjacent to and within 1 mile of the Facility include facility-generated noise, associated vehicle traffic, and visual impacts. However, as further discussed herein and in Exhibit 7 (Noise and Vibration), Exhibit 16 (Effect on Transportation), and Exhibit 8 (Visual Impacts), the Facility will be constructed and operated consistent with Section 94-c Uniform Standards and Conditions related to noise, traffic, and visual resources, and as such, no substantial impacts to adjacent land uses are anticipated.

The fenced PV arrays and racking support systems, access roads, collection substation, and POI switchyard will result in the conversion of approximately 985.6 acres, or approximately 59% of the Facility Site, from its current use to built facilities and/or maintained areas during Facility operation. Additional impacts to land associated with Facility operation will be temporary, infrequent, and minimal. Aside from occasional maintenance and repair activities, Facility operation will not interfere with ongoing land use (e.g., farming and forestry activities, recreational facilities, schools and civic facilities, or commercial areas) immediately adjacent to the Facility or within 1 mile of the Facility. Overall, construction and decommissioning of the Facility are not anticipated to substantively affect the capacity for current land use practices, including agriculture, to resume following decommissioning. The various measures the Applicant will implement to protect and restore agricultural lands and farming operations within the Facility Site are provided in Exhibit 15 (Agricultural Resources). At the end of the Facility lifespan, Facility components will be decommissioned, and the land restored, consistent with 19 NYCRR §900-6.6(a) requirements, as described in Exhibit 23 (Site Restoration and Decommissioning).

Through community outreach, the Applicant has determined which land uses within the vicinity of the Facility are of particular concern to the community. This outreach has been primarily in the form of identification of viewpoints to determine potential visual impact of the Facility. Responses were received from ORES, the Genesee Valley Greenway State Park, the Livingston County Planning Department, the Livingston County Historian, the Towns of York and Leicester, and the Town and Village of Genesee Historians. A total of 20 locations were identified as visually sensitive resources for evaluation in the Visual Impact Assessment (VIA; Appendix 8-A). Overall, the Facility is not anticipated to have a significant visual impact on land uses of particular concern to the community. To further minimize the potential impacts from

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<sup>3</sup> Note that this table is based on Livingston Parcel County acreage data, which does not include public rights-of-way. The overall Facility Site size of 1,679 acres used elsewhere in this Application is based on Alta surveyed parcel data, which is the reason for this discrepancy.

these areas, the Applicant is proposing an extensive landscape mitigation planting to screen or soften the appearance of the Facility from affected areas. Exhibit 8 (Visual Impacts) and the VIA (Appendix 8-A) provide additional information on the potential visual impacts of the Facility, as well as efforts to minimize and mitigate such impacts. The visual impact of the Facility will primarily be realized in the immediate vicinity of the Project. Outside of these areas, visual screening from topography, existing vegetation, and from installed vegetative screening will significantly reduce Facility visibility within the 5-mile Study Area. Exhibit 8 (Visual Impacts) provides more information on the visual effect of the Facility, as well as efforts to minimize and mitigate such impacts.

The Applicant has conducted a study of the anticipated noise and traffic effects produced by the Facility, both during construction and operation. As described in Exhibit 7 (Noise and Vibration), noise levels at the Facility will not exceed the Section 94-c design goals and will not have a negative effect on non-participating landowners or nearby sensitive receptors, such as schools, recreational and civic facilities. Any noise impacts of the Facility will be primarily experienced in the immediate vicinity of construction operations and are not expected to have an impact at the perimeter of the Facility. Traffic impacts of the Facility will be negligible following the commencement of Facility operation. Traffic impacts during construction are anticipated to be minimal and primarily associated with component deliveries. Exhibit 16 (Effect on Transportation) provides more information regarding the anticipated traffic during construction and operation of the Facility as well as efforts to minimize and mitigate such impacts.

As noted in Section (h), the proposed Facility aligns with and supports some of the goals outlined in the comprehensive plans of the surrounding communities. In addition to furthering the realization of renewable energy and sustainability goals outlined in the plans, the Facility will contribute significantly to the economic goals for local host communities. Through Payment in Lieu of Taxes agreements (described in detail in Exhibit 18, Socioeconomic Effects), the Applicant will contribute a significant sum of funding to taxing jurisdictions associated with lands where the Facility is proposed. Landowners participating in the Project will also receive a benefit for hosting the Facility on leased lands, allowing them to continue agricultural operations in the area and possibly contribute in other substantial ways to their community.

#### Compliance with NYSAGM Guidelines for Agricultural Mitigation for Solar Energy Projects

The New York State Department of Agriculture and Markets (NYSAGM) has promulgated a guidance document that applies to solar energy generating facilities sited on agricultural lands. The NYSAGM's October 2019 *Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands* (NYSAGM, 2019) include construction requirements, restoration requirements, and post-construction monitoring and remediation requirements. To minimize and/or mitigate impacts to active agricultural land and farming operations, Facility construction will comply with NYSAGM agricultural protection guidelines to the maximum extent practicable (see Exhibit 15 [Agricultural Resources] for a full analysis of the Facility's impacts to agricultural land). The Applicant and/or a designated third-party Environmental Monitor will consult with the NYSAGM during construction if deviation from the approved plans is necessary. In addition, the Applicant will continue to consult with landowners and the NYSAGM throughout the Section 94-c process and during construction and operation of the Facility to ensure impacts to active agricultural land and farming operations are minimized and/or mitigated to the extent practicable.

Facility Consistency with Regional Planning Documents

In addition to the regional Comprehensive Plans discussed in Section (h), the Facility is consistent with the statewide plans outlined in Table 3-6 and state energy policies. See Exhibit 17 (Consistency with Energy Planning Objectives) for more information regarding consistency with statewide energy plans and policies. As shown below, the proposed Facility is generally consistent with the goals and objectives outlined in the statewide plans.

**Table 3-6. Facility Consistency with Statewide Planning Documents**

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
New York Open Space Conservation Plan (NYSDEC, 2016b)	<ul style="list-style-type: none"> <li>- Maintain critical natural resource-based industries such as farming, forest products, commercial fishing, and tourism.</li> <li>- Address global climate change (through various means).</li> <li>- 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.</li> </ul>	<ul style="list-style-type: none"> <li>- The Facility generates needed electric power without contributing to global climate change.</li> <li>- The Facility enhances the economic viability of participating farms, enabling them to maintain operations on lands not utilized for the Facility.</li> </ul>	None
New York State Historic Preservation Plan (2021-2025)	<ul style="list-style-type: none"> <li>- Enhance collaboration to advance preservation.</li> <li>- Integrate preservation into local and regional decision making.</li> </ul>	<ul style="list-style-type: none"> <li>- The Applicant has coordinated with New York State Office of Parks, Recreation and Historic Preservation to develop site-specific work plans.</li> <li>- The Applicant has adapted the design of the Facility to avoid impacts to cultural resources to the extent feasible (see Exhibit 9)</li> </ul>	None

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
Statewide Comprehensive Outdoor Recreation Plan (2020-2025)	<ul style="list-style-type: none"> <li>- Reconnect children and adults with nature and recreation by improving access to outdoor recreation opportunities.</li> <li>- Continue to develop a comprehensive, interconnected recreation-way, water trails, greenway and blueway trail system.</li> <li>- Continue efforts to restore, conserve and protect the biodiversity of state lands.</li> </ul>	- The Facility does not have any direct impacts on known public recreational resources. Please see Exhibit 8 for additional information regarding coordination with local stakeholders.	None
New York State Office of Parks, Recreation and Historic Preservation Sustainability Plan (2009)	<ul style="list-style-type: none"> <li>- Advance a new agency-wide sustainability initiative to adopt green practices</li> <li>- Outline a plan to reduce impacts that the agency's daily activities have on natural resources</li> <li>- Adopted a goal of reducing greenhouse gases 30% by 2030</li> </ul>	- The Facility is aligned with the plan's stated goal of reducing greenhouse gases 30%.	None

**(m) Compatibility of Above-Ground Interconnections with Existing and Proposed Land Uses**

The Applicant intends to install collection lines underground, and no overhead collection lines will be used. A short length of overhead transmission line will be used to connect the collection substation to the POI and the existing transmission line. The collection substation and POI switchyard will be constructed consistent with the applicable regulations and standards and will be visually similar to other electrical grid infrastructure in the area. The potential effects on visibility resulting from the short segment of overhead transmission line are described in Exhibit 8 (Visual Impacts) and Appendix 8-A (Visual Impact Assessment). Overall, the limited above-ground interconnections proposed for the Facility are not anticipated to have a significant impact on existing or proposed land uses.

**(n) Compatibility of Underground Interconnections with Existing and Proposed Land Uses**

The Facility will include approximately 14.4 miles of underground collection lines. A total of 908.6 acres will be located within 300 feet of the centerline of underground collection lines and related facilities, of which approximately 3.5 acres (1%) consists of public road rights-of-way that are not part of any parcel, and as such, have no NYSORPS land use code. Land use for the remaining 327.2 acres has been classified by the NYSORPS as follows: Agriculture, 306.1 acres (92.5%); Residential, 18.2 acres (5.5%); and Public Services, 1.3

acres (0.4%). Approximately 322.6 acres (97.5%) of the land within 300 feet of an underground collection line is currently enrolled in a NYS Certified Agricultural District. The Facility's proposed underground collection lines will not prohibit or interfere with the continued use of the current and proposed land uses within 300 feet of these components.

The construction of buried interconnects will result in a temporary disturbance. As discussed in Section (l), in agricultural fields, construction will generally be conducted in accordance with the NYSAGM *Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands* (NYSAGM, 2019) by installing underground lines 48 inches or more below ground on agricultural lands. Otherwise, underground lines will be installed at least 36 inches below ground. At these depths, permanent land use impacts associated with underground interconnects are not anticipated. Buried underground electrical collection lines have been sited in areas of existing disturbance (e.g., existing farm roads and forest logging roads) to the maximum extent practicable. The Applicant has also developed a Drainage Remediation Plan (Appendix 15-B) to address any impacts to tile drains and associated infrastructure within agricultural areas where Facility construction is planned. Where impacts to important environmental resources would otherwise be unavoidable (e.g., stream crossings), trenchless technologies (e.g., horizontal directional drilling and subsurface boring) will be used to minimize impacts, where practicable.

**(o) Compliance with New York State Coastal Management Program Policies and Local Waterfront Revitalization Plans**

The Genesee River is the closest designated inland waterway to the proposed Facility and is located within 1 mile of the Facility Site. Facility construction and operation is not expected to impact this waterway. According to the New York State GIS Clearinghouse, New York State Department of State, there are no designated coastal areas, coastal erosion hazard areas, local waterfront revitalization program areas (approved plans) within five miles of the Facility Site. Therefore, conformance with the Coastal Zone Management Act is not applicable.

**(p) Aerial Photographs**

Figure 3-10 contains aerial photographs within the 5-mile Study Area. This mapping was prepared using 0.6-meter resolution natural color orthoimagery from the USDA's National Agriculture Imagery Program (NAIP) captured during the 2022 growing season.

**(q) Aerial Photograph Overlays**

Figure 3-11 illustrates the Facility component layout, including access roads, along with the proposed limits of construction activity overlaid on NAIP imagery captured in the 2022 growing season.

**(r) Source of Aerial Photographs**

Figures 3-10 and 3-11 were prepared using 0.6-meter resolution natural color orthoimagery from the USDA's NAIP captured during the 2022 growing season.

### (s) Description of Community Character

The proposed Facility is generally consistent with the largely rural character of the surrounding community. Topography and existing vegetation largely screen the Facility from views outside the Facility Site. Within the Facility Site, the relatively low profile of the PV arrays, combined with the proposed visual screening, soften the potential visual impacts associated with the Facility and improve its consistency with the rural/agricultural character of the area. The Applicant has evaluated the Facility's consistency with local comprehensive plans in Section (h), and an analysis of the land use of the surrounding community is presented below. In addition, the Applicant has completed a comprehensive VIA, which includes a classification of areas within 2 miles of the Facility into landscape similarity zones (further described in Exhibit 8).

#### Community Land Use Classifications

The Facility is proposed to be located in a rural portion of Livingston County, which is characterized by a mix of agricultural and rural residential uses in the Towns of York and Leicester. According to the 2017 Census of Agriculture, agricultural crops are farmed over 131,567 acres within Livingston County (USDA, 2017). Based on NYSORPS land use classification data from 2022 for Livingston County, land use is dominated by agriculture (53%), residential (25%), and vacant lands (12%). The most common agricultural land uses in Livingston County include farm vacant land (104,222 acres), field crops (72,127 acres), and dairy farms (18,758 acres) (USDA, 2017). Vacant lands within the County are generally classified by NYSORPS as 322 – residential vacant land over 10 acres (46% of all vacant land), 312 – residential land including a small improvement (not used for living accommodations) (20% of vacant lands), and 314 – rural vacant lots of 10 acres or less (9% of vacant lands). These vacant parcels are scattered throughout the County.

Approximately 1,630 acres of the 1,679-acre Facility Site (97%) are enrolled in a NYSAGM certified agricultural district. These areas account for 0.8% of all lands enrolled in an agricultural district within Livingston County. Within 1 mile of the Facility, land use is predominantly agricultural (69%) with areas of residential (14%) and vacant land use (6%) (see Section (l) for more information on land use within 1 mile of the Facility). Although it will add industrial visual elements to the surrounding area, the Facility is consistent with the active agricultural use of the region. Many of the farms are commercial scale operations with several industrial buildings and facilities associated with them. In addition, host landowner payments will allow farmers in the area to continue active operations on other lands in the vicinity of the Project, as further described in Exhibit 15, helping to preserve the area's agricultural character in the future.

#### Community Character and Landscape Similarity Zones

The Applicant has classified the landscape similarity zones (LSZs) and visually sensitive resources (VSRs) within the 2-mile visual study area (VSA) in Exhibit 8 (Visual Impacts) as one method of showing community character in the vicinity of the Facility. LSZs within the VSA were defined based on the similarity of various landscape characteristics including landform, vegetation, water, and land use patterns, in accordance with established visual assessment methods. Within the VSA, four distinct LSZs were identified: Agricultural/Rural

Residential, Forest, Hamlet, and Village. The majority of the VSA is classified as Agricultural/Rural Residential LSZ (68.1%), followed by Forest (29.3%), Hamlet (1.4%) and Village (1.3%).

VSRs identified within the 2-mile VSA were also utilized to describe community character. Many of these resources (i.e., historic resources, public areas, and recreational areas, etc.) are detailed above in Section (j) and Section (k). The types of resources identified in the vicinity of the Facility are typical of what could be included in the LSZs above. The proposed Facility will add industrial features to areas within the Facility Site. However, commercial agricultural buildings, electrical transmission and distribution lines, and electrical substations are present in the area as well. Visual screening from topography, existing vegetation, and proposed vegetative screening will help reduce visibility of the Facility within the VSA. For additional information on LSZs and VSRs please see Exhibit 8 (Visual Impacts) and Appendix 8-A (Visual Impact Assessment).

#### Potential Impacts and Proposed Avoidance, Mitigation, and/or Minimization Methods

The proposed Facility will convert approximately 983 acres (approximately 60%) of the certified agricultural district land within the Facility Site to built facilities and maintained areas necessary for Facility operation. The lease payments made to farmers will supplement their income, potentially preserving their ability to continue farming long-term and enhancing the opportunity to protect the agricultural nature of the communities hosting the Facility. Further information regarding agricultural resources is presented in Exhibit 15 (Agricultural Resources).

As discussed in Exhibit 7 (Noise and Vibration), construction and operation of the Facility will have minor noise impacts but will not affect the character of the community. Operational noise levels of the Facility will comply with 19 NYCRR §900-2.8(b)(2) and any ordinances established by local laws. In addition, the Facility has been designed to avoid and minimize noise impacts by adhering to established setbacks as further described in Exhibit 5 (Design Drawings).

The Facility will introduce new visual elements (e.g., PV modules) into the existing landscape, which could be considered a change in community character for the primarily rural residential areas that surround the Facility Site. However, the visibility and visual impact of the Facility will be highly variable based on distance, number of PV arrays in view, weather conditions, sun angle, extent of visual screening from topography and vegetation, scenic quality, viewer sensitivity and/or existing land uses. See Exhibit 8 (Visual Impacts) for a further discussion of visual impacts.

Avoidance or mitigation measures that will minimize adverse impacts on community character include, but are not limited to, the following:

- Siting the Facility away from population centers and areas of dense residential development.
- Locating access roads and PV arrays to avoid or minimize disturbance of wetlands, streams, and cultural/historic resources.
- Following setback requirements outlined in the Section 94-c regulations and local solar laws to site the Project away from non-participating boundary lines, structures, and public roadways.
- Burying electrical collection lines between PV arrays.

- Installing visual mitigation plantings to help minimize/mitigate the visual effect of the Facility.
- Implementing agricultural protection measures to avoid, minimize, or mitigate impacts on agricultural land and farm operations.
- Consultation with various stakeholders to identify local resources of concern and to minimize any potential impacts to the community.

There are also numerous Facility-specific studies attached to this Application, such as VIA (see Appendix 8-A), Pre-Construction Noise Impact Assessment (see Appendix 7-A), and Cultural Resources Studies (see Appendices to Exhibit 9). In addition to evaluating potential effects on their respective resources, these studies can also be used to evaluate the Facility’s potential effects on community character. These exhibits also outline the various mitigation measures that are being implemented to minimize and avoid impacts on the environment and the community where the Facility is proposed.

**(t) Historical Environmental Contamination**

The Facility Site does not have a history of environmental contamination according to data from the NYSDEC Environmental Remediation Databases; therefore, this section is not applicable (NYSDEC, 2014).

**(u) Oil, Gas, and Mining Solution Wells within 500-feet of Proposed Facility**

The NYSDEC maintains data on active, inactive, and abandoned oil, gas, and mining wells in New York State. The Applicant reviewed the NYSDEC’s Oil and Gas Well database<sup>4</sup> for existing wells within 500 feet of the proposed Facility. According to the NYSDEC database, there is one dry hole well that was plugged and abandoned in the Facility Site. The well is in the northwestern portion of the Facility Site on Abbey of the Geneseo land leased by the Applicant. The Lenape Resources Corporation constructed and leased the well from the Abbey from 1983 until its closure in 1988. In addition, there are three mapped wells located within 500 feet of the Facility Site, including two mine solution wells from the abandoned Retsof Salt Mine and a mine solution well owned by the International Salt Company. Additional information regarding the Facility’s proximity to the abandoned Retsof Salt Mine is provided in Exhibit 10 (Geology, Seismology, and Soils). The NYSDEC mapped oil and gas wells are depicted in Figure 3-4. Information regarding the four NYSDEC mapped wells within 500 feet of the Facility Site is presented in Table 3-7.

**Table 3-7. NYSDEC Mapped Oil and Gas Wells within 500 feet of the Facility Site**

API Well No.	Well Name	Company Name	Well Type	Well Status
31051174390000	Abbey 1 (193)	Lenape Resources Corp.	Dry Hole	Plugged and Abandoned

<sup>4</sup> New York State Department of Environmental Conservation, Division of Mineral Resources. 2014. Oil & Gas Database. Available at: <https://gisservices.dec.ny.gov/gis/maw/>.

API Well No.	Well Name	Company Name	Well Type	Well Status
31051032820000	Retsof Mining Co Shaft 1	Retsof Mining	Stratigraphic	Plugged and Abandoned
31051032840000	Retsof Mining Co Shaft 2	Retsof Mining	Not Listed	Unknown Located
31051150510000	Fee 8001c	International Salt Co.	Stratigraphic	Plugged and Abandoned

Source: NYSDEC, 2014

**(1) Description of Magnetometer Survey**

The proposed Facility is located in NYSDEC Region 8. Pursuant to 19 NYCRR §900-2.4(u), any proposed facility located in NYSDEC regions 7, 8, or 9 must conduct a magnetometer survey or other method authorized by the ORES to identify oil, gas, or mining solution wells within 500 feet of the Facility’s proposed limits of disturbance. The Applicant retained Aletair, LLC, which conducted a magnetometer survey within 500 feet of the Facility Site<sup>5</sup> in November 2022 (See Appendix 3-B).

The purpose of this survey was to effectively isolate any magnetic anomalies associated with possible unmarked cased wells and non-invasively assess whether any NYSDEC-regulated wells are present within 500 feet of the proposed Facility Site. The survey was conducted using an unpiloted aerial system consisting of an unpiloted aerial vehicle and integrated micro-fabricated atomic magnetometer. Acquired datasets were processed and interpreted using proprietary algorithms to denoise the data and highlight features of interest.

Based on Aletair’s findings, there is no compelling geophysical evidence within 500 feet of the Facility Site indicating the presence of orphaned wells pre-dating the use of the parcels for agricultural activity and infrastructure development. Please see the Magnetometer Survey Report, included as Appendix 3-B, for additional information on the methodology and results.

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<sup>5</sup> The magnetometer survey was conducted within 500 feet of the Facility Site, which includes a larger study area than required by §900-2.4(u).

## **(2) Map of Identified Wells**

As described in Section (u)(1), the results of the magnetometer survey indicated that no oil, gas, or mining solution wells exist within 500 feet of the proposed Facility Site. Figure 3-4 depicts the four NYSDEC mapped wells included in Table 3-7.

## **(3) Explanation of Setbacks**

As described in Section (u)(1), the results of the magnetometer survey indicated that no oil, gas, or mining solution wells exist within 500 feet of the proposed Facility Site. Therefore, the setbacks outlined in 19 NYCRR §900-2.4(u)(2) are not applicable.

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