

# **Agricola Wind Project**

**Permit Application No. 23-00064**

**1100-2.4 Exhibit 3**

**Location of Facilities and Surrounding Land Use**

## TABLE OF CONTENTS

EXHIBIT 3	Location of Facilities and Surrounding Land Use.....	1
(a)	Topographic Maps.....	1
(1)	Proposed Major Electric Generating Facility Location.....	1
(2)	Interconnection Location and Ancillary Features.....	1
(3)	Construction Limits of Clearing and Disturbance.....	2
(b)	Municipal Boundary Maps.....	2
(c)	Description of Proposed Facility Locations.....	2
(d)	Map of Existing Land Uses.....	3
(e)	Existing Overhead and Underground Major Facilities Map.....	4
(f)	Tax Parcel Map.....	6
(g)	Zoning District Map.....	6
(h)	Comprehensive Plans.....	11
(i)	Map of Proposed Land Uses.....	14
(j)	Map of Specially Designated Areas.....	15
(k)	Recreational and Other Land Uses.....	17
(l)	General Compatibility with Existing Land Use Within 1-Mile.....	19
(m)	Compatibility of Above-Ground Interconnections with Existing and Proposed Land Uses.....	24
(n)	Compatibility of Underground Interconnections with Existing and Proposed Land Uses.....	24
(o)	Compliance with New York State Coastal Management Program Policies and Local Waterfront Revitalization Plans.....	25
(p)	Aerial Photographs.....	25
(q)	Aerial Photograph Overlays.....	25
(r)	Source of Aerial Photographs.....	25
(s)	Description of Community Character.....	26
(t)	Historical Environmental Contamination.....	28
(u)	Oil, Gas, and Mining Solution Wells within 500-feet of Proposed Disturbance.....	28
REFERENCES		30

## LIST OF TABLES

Table 3-1. Facility Components by Municipal Boundary and Taxing Jurisdiction .....	2
Table 3-2. Proposed Land Uses within 5-Miles of the Facility Site .....	14
Table 3-3. Sources of Data Used to Prepare Mapping of Specially Designated Areas .....	16
Table 3-4. Mapping of Recreational and Sensitive Areas.....	18
Table 3-5. Land Use within 1-mile of the Facility Site.....	20
Table 3-6. Facility Consistency with Regional and Statewide Planning Documents .....	22

## LIST OF FIGURES

Figure 3-1	Topographic Mapping
Figure 3-2	Municipal Boundaries and Taxing Jurisdictions
Figure 3-3	Land Use
Figure 3-4	Existing Overhead and Underground Facilities
Figure 3-5	Parcels within 2,000 feet of Facility Site
Figure 3-6	Zoning Districts
Figure 3-7	Proposed Land Uses
Figure 3-8	Specially-Designated Areas
Figure 3-9	Recreational and Other Land Uses
Figure 3-10	Aerial Photographs
Figure 3-11	Facility Layout on Aerial Overlays
Figure 3-12	Oil and Gas Well Setbacks

## List of Appendices

Appendix 3-A	Adopted Comprehensive Plans
Appendix 3-B	Magnetometer Search Method Memorandum

## EXHIBIT 3 LOCATION OF FACILITIES AND SURROUNDING LAND USE

Agricola Wind LLC (the Applicant or Agricola Wind) assessed the location of the proposed Agricola Wind 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 Scipio and Venice, Cayuga County, New York within the Allegheny Plateau physiographic province. The area can generally be described as an elevated plateau of gently sloping hills, dissected by narrow stream valleys, and dominated by agricultural land. The Facility turbines are generally located on elevated hills, while the access roads and electrical collection lines connect the turbines to each other and public roads, which are generally located in adjacent agricultural fields. The 115-kilovolt (kV) Wright Avenue-Milliken electric transmission line and associated right-of-way (ROW), owned and operated by New York State Electric and Gas Company (NYSEG), runs north to south through the western portion of the Facility Site.

### (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:

- Wind turbines
- Access roads
- Electrical collection lines
- Collector substation
- Point of interconnection (POI) switchyard
- Meteorological towers
- Operations and maintenance (O&M) facility
- Aircraft detection lighting system (ADLS) tower
- Temporary intersection improvements
- Temporary laydown areas.

These components, collectively referred to as the "Facility," are mapped on the U.S. Geological Survey (USGS) 1:24,000 Scipio Center, Owasco, Genoa, and Moravia 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. No municipal interconnections (e.g., potable water mains, wastewater conveyances, etc.) will connect to or service the Facility Site. Off-site ancillary features (such as road improvements) will be constructed in association with the Facility.

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

The proposed limits of clearing and disturbance for the Facility are mapped in Figure 3-1. The limit of disturbance (LOD) encompasses all areas to be cleared and disturbed during construction of the Facility; this limit also includes all necessary laydown and work areas, as well as room to install erosion and sediment controls. Additionally, Figure 11-1 includes the proposed limit of clearing and limit of impervious surfaces. The limit of clearing indicates areas to be cleared of all woody vegetation during construction. The limit of impervious surface includes areas where built facilities will be located (e.g., the collection substation, O&M facility, etc.). These areas will be cleared of all vegetation, graded, and maintained in an unvegetated state for the life of the Facility. Additional information regarding the limits of disturbance anticipated for Facility construction and operation is presented in Exhibit 11.

#### (b) Municipal Boundary Maps

Figure 3-2 depicts the location of the proposed Facility and Facility Site with respect to village, town, county, and school district boundaries. These locational relationships are described in Section 3(c).

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

The Facility Site and all Facility components are located in Cayuga County within the Towns Scipio and Venice. The Facility Site is located within the Southern Cayuga Central and Moravia School Districts and is located within the Scipio-Venice-Ledyard Fire District. Table 3-1 presents a summary of Facility components within each of these jurisdictions. 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	Cayuga	All Facility components.
Town	Scipio	Wind turbines (12), access roads and collection lines; 38% of the Facility Site (1,531 acres) and 33% of the Facility's LOD (122 acres) are located within the Town of Scipio.
	Venice	Wind turbines (12), O&M facility, collector substation, POI switchyard, ADLS tower, meteorological towers (two), temporary laydown yards (two), access roads, collection lines; 62% of the Facility Site (2,458 acres) and 67% of the Facility's LOD (248 acres) are located within the Town of Venice.
School District	Southern Cayuga Central School District	Wind turbines (24), O&M facility, collector substation, POI switchyard, ADLS tower, meteorological towers (two), temporary laydown yards (two), access roads, collection lines; 99% of the Facility Site (3,948 acres) and 99% of the Facility's LOD (365 acres) are located within the Southern Cayuga Central School District.
	Moravia Central School District	Collection lines; 1% of the Facility Site (41 acres) and 1% of the Facility's LOD (5 acres) are located within the Moravia Central School District.
Fire District	Scipio-Venice-Ledyard Fire District	All Facility components.

All temporary road intersection improvements are within Cayuga County, in the Towns Scipio and Venice (Figure 3-1).

#### (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. This map was prepared using publicly available data from the Cayuga County Real Property Tax Service Offices and the New York State Office of Real Property Services (NYSORPS) classification codes (NYSORPS, 2022). 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
- 600 – Community Services
- 700 – Industrial
- 800 – Public Services
- 900 – Wild, Forested, Conservation Lands and Public Parks.

The Facility Site is comprised of 38 parcels and according to the NYSORPS classification codes, land use within the Facility Site is mostly classified as Agricultural Vacant land (62%). The following property type classification codes occur within the Facility Site:

- 100 - Agricultural (3,441.8 acres)
  - 105 – Agricultural vacant land (productive) (2,483 acres, 62%)
  - 112 – Dairy products: milk, butter and cheese (500.9 acres, 13%)
  - 120 – Field Crops (457.8 acres, 11%)
- 200 – Residential (231.0 acres)
  - 240 – Rural residence with acreage (36.8 acres, 1%)
  - 241 – Primary residential, also used in agricultural production (154.8 acres, 4%)
  - 270 – Mobile home (39.4 acres, 1%)
- 300 – Vacant (267.6 acres)
  - 312 – Residential land including a small living improvement (not used for living accommodations) (235.8 acres, 6%)
  - 323 – Other rural vacant lands 31.8 acres, 1%)
- 600 – Community Services (14.0 acres)
  - 651 – Highway garage (14.0 acres, <1%)
- 900 – Wild, forested, conservation lands and public parks (34.5 acre)

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<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)."

- 910 – Private wild and forested lands except for private hunting and fishing clubs (34.5 acres, 1%)

Land use within the 5-mile Study Area is mostly classified as Agricultural vacant land (37%), Field crops (21%), and Primary residential, also used in agricultural production (10%).

#### Agricultural Land

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

- 105 – Agricultural vacant land (productive) (35,205.0 acres, 37%)
- 110 – Livestock and products (44.7 acres, <1%)
- 111 – Poultry and poultry products: eggs, chickens, turkeys, ducks and geese (145.4 acres, <1%)
- 112 – Dairy products: milk, butter, and cheese (6,916.6 acres, 7%)
- 113 – Cattle, calves, hogs (655.2 acres, 1%)
- 115 – Honey and beeswax (3.8 acres, <1%)
- 117 – Horse farm (28.5 acres, <1%)
- 120 – Field crops (19,783.5 acres, 21%)

NYSORPS has classified approximately 35,205.0 acres (37%) within the 5-mile Study Area as agricultural vacant land. 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.” See Exhibit 15 for further discussion of agricultural production within the Facility Site.

#### Residential Land

Approximately 21,688.8 acres (23%) within the 5-mile Study Area have been classified by the NYSORPS as Residential land (i.e., all 200-level property classes). Residential lands comprise 231.0 acres (6%) of the Facility Site.

#### Vacant Land

The NYSORPS defines vacant land as, “property that is not in use, is in temporary use, or lacks permanent improvement.” Approximately 7,001.9 acres (7%) within the 5-mile Study Area have been classified by the NYSORPS as vacant land (i.e., all 300-level property classes). Vacant lands comprise 267.6 acres (7%) of the Facility Site.

To determine the location of 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. There are two conservation easements within the 5-mile Study Area, which are associated with the American Farmland Trust and the Farm and Ranch Lands Protection Program (FRPP; see Figure 3-3).

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

Figure 3-4 illustrates existing overhead and underground major facilities for electric, gas, and telecommunications within 5 miles of the Facility Site.

According to data obtained from the Electric Transmission Lines EV Energy Map, an overhead transmission line ROW runs north to south through the western portion of the Facility Site. The ROW is occupied by a 115 kV overhead transmission line owned and operated by NYSEG, which runs between the Wright Avenue and Milliken substations. The Facility will interconnect to this existing overhead transmission line. Within the 5-mile Study Area, three additional segments of one NYSEG, 100 kV or less, overhead transmission line is present. The line enters the Study Area at the southwest corner, runs northwest then north through the southwest and western portions of the Study Area, before heading due east to join the 115 kV line, and north to exit the Study Area (Figure 3-4). There are no other known high voltage overhead transmission lines present within the 5-mile Study Area.

According to data obtained from the U.S. Energy Information Administration, no natural gas or hazardous liquid pipelines are located within the Facility Site or the 5-mile Study Area. The closest pipeline is approximately 16 miles east of the Facility Site. Facility construction and operation will not adversely impact these existing pipeline resources, given the separation distances.

According to the New York State Department of Environmental Conservation's (NYSDEC's) Oil and Gas Well database, there are 32 mapped oil and gas wells within the 5-mile Study Area. These wells include six plugged wells, seven unplugged wells, and 19 wells identified as Not Drilled (see Figure 3-4). The Applicant also conducted a magnetometer survey to identify potential wells and underground facilities within 500 feet of the Facility's proposed LOD. Please see Exhibit 3(u) and Appendix 03-B for a discussion of survey results and the potential for impacts to those resources.

The Applicant consulted with owners of fiber optic utilities in 2024 to gather information regarding the location of utilities in relation to the Facility Site. Windstream Communications owns one overhead fiber optic communications line, which passes through the center of the Facility Site and the 5-mile Study Area. Additionally, there are three known Charter Communication fiberoptic or coaxial lines within the Facility Site and 5-mile Study Area (see Figure 3-4). Further information regarding potential effects on communications infrastructure in the Facility Site is presented in Exhibit 20.

The existing NYSEG overhead transmission line (115 kV) will be crossed by Facility components (i.e., collection line and access road). Potential crossings of existing overhead and underground fiberoptic and communications infrastructure by Facility components are also likely. The Applicant will coordinate directly with all communications owners as needed and secure any necessary crossing agreements prior to construction.

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 further minimize potential impacts to underground facilities, the Applicant will become a member of Udig NY in accordance with Title 16 New



York Codes, Rules and Regulations (16 NYCRR) Section 1100-6.4(f), as well as comply with 16 NYCRR Section 1100-6.4(g), to the extent applicable. Additional details regarding crossing or adjacent components are shown on the Design Drawings (Appendix 5-A).

The Applicant is working with NYSEG on an interconnection agreement, which is further described in Exhibit 21. Final interconnection with the electrical grid will occur at the existing NYSEG 115kv transmission line, with the POI switchyard and POI to be owned and operated by NYSEG. Upon agreement with NYSEG, the Applicant will build the specified POI switchyard and POI, which will be transferred to NYSEG to own and operate. Additional details regarding crossing or adjacent components are detailed in Appendix 5-A.

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

Figure 3-5 illustrates land uses and tax parcel information for all properties within the Facility Site and 2,000 feet from the Facility Site boundary. 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 Cayuga County and NYSORPS. Information regarding proposed land uses within the 5-mile Study Area is presented in Section 3(i).

#### **(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 zoning and other land use controls, as well as the permitted and prohibited uses within designated zoning districts is described below, based on data obtained from local governments. The Applicant has reviewed the applicable local laws and zoning regulations where available for each of the 10 towns and one village within the 5-mile Study Area, including: Fleming (Town), Genoa (Town), Ledyard (Town), Locke (Town), Moravia (Town and Village), Niles (Town), Owasco (Town), Scipio (Town), Springport (Town), and Venice (Town). 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 for additional details regarding zoning and local laws within the Facility Site.

##### Town of Fleming

Zoning regulations were adopted in the Town of Fleming on December 22, 2008, revised on May 13, 2013, and subsequently amended by local laws in 2014, 2015, and twice in 2017. The Town is divided into the following eight zoning districts: Agricultural (A), Residential Transitional and Residential (R-1 and R-2), Lakeshore (L), Waterfront Development (WD), Commercial (C), Hamlet (H), and Planned Development (PD). No portions of the Facility Site are located within the Town of Fleming. However, only portions of the Agriculture (A), Lakeshore (L), and Planned Development (PD) zoning districts are located within 5 miles of the Facility Site.

Permitted uses within the Agricultural District include agricultural operations, farming operations, one-family dwellings, public utilities, recreational facilities owned and operated by town or other governmental agencies, farm stands, accessory uses, accessory structures and buildings, and keeping or raising livestock. In addition, several other uses are permitted under a Special Use Permit within the Agriculture District, including cemeteries, clear cutting woodlands, wind power generation facilities, and telecommunications facilities or towers.

Permitted uses within the Lakeshore district include one-family dwellings, public utilities, farm stands, accessory structures and buildings, and accessory uses. Uses permitted through a special use permit in the Lakeshore district include bed and breakfasts, childcare facilities, fire stations, home occupations, park or recreation area owned or operated by a not-for-profit, and emergency dwellings.

The purpose of the Planned Development district is to provide flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit. The types of general permitted uses that may be considered within the Planned Development district include residential uses, commercial, service, and other non-residential uses, and industrial uses. In addition, the following uses are permitted subject to specific provisions applicable to the Planned Development district: mobile home parks, shopping centers, and golf courses.

The Town of Fleming also has designated the Owasco Lake Watershed Overlay district. The intent of this district is to protect the quality of the Owasco Lake, its shoreline, groundwater resources, and surrounding watershed for the residents of the Town. This overlay district is delineated by the Owasco Lake Watershed boundary. Portions of this overlay district intersect the 5-mile Study Area; however, no portions are within the Facility Site.

#### Town of Genoa

The Town of Genoa has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Genoa.

#### Town of Ledyard

Zoning regulations were adopted in the Town of Ledyard in 2001. The Town of Ledyard is divided into the following two zoning districts: Agricultural-Residential (AR) and Lakeshore Residential (LR). No portions of the Facility Site intersect the Town of Ledyard; however, portions of the Agricultural-Residential district are located within the 5-mile Study Area.

Permitted uses within the Agricultural-Residential district include agriculture, horticulture, silviculture, solar energy systems, accessory uses, including home occupations, managing land for conservation and open space, and non-commercial uses and structures under 100 square feet in footprint area when such use or structure is accessory to a principal use or structure on the same lot or on a nearby lot under the same ownership. All uses not specifically listed as permitted or prohibited uses in the Town's Zoning Code are allowed, subject to application for and issuance of a special use permit.

There are no provisions within the Town of Ledyard Zoning Law for floating or overlay districts.

#### Town of Locke

The Town of Locke has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Locke.

#### Town of Moravia

Zoning regulations were adopted in the Town of Moravia in 1992. Subsequent local laws amended the zoning code in 1993, 1999, 2001, and 2021. The Town of Moravia is divided into the following three zoning districts: General Occupancy (GO), High Density (HD), and Agricultural (AG). No portions of the Facility Site are within the Town of Moravia. However, portions of the High Density and Agricultural districts are located within the 5-mile Study Area.

The Town's Zoning Code does not explicitly site permitted uses within the High Density Zoning district or Agricultural district. Any non-residential land use and multi-family uses for residential properties greater than single family or two-family dwellings, including any change in an existing non-residential use or to construct, improve, remodel, renovate, demolish, or convert any building or structure requires Special Use Permit approval.

There are no provisions within the Town of Moravia Zoning Law for floating or overlay districts.

#### Town of Niles

The Town of Niles has no adopted zoning ordinance. No portions of the Facility Site are located within the Town of Niles.

#### Town of Owasco

Zoning regulations were adopted in the Town of Owasco in 1988. The Town's Zoning Code was amended twice in 2023. The Town is divided into the following four zoning districts: Agricultural/Residential (AR), Residential (R), Lakeshore (L), and Planned Development (PD). No portions of the Facility Site are located within the Town of Owasco. However, portions of the Residential (R) and Lakeshore (L) districts are located within 5 miles of the Facility Site.

Permitted uses within the Residential District include a single family detached dwelling on a separate lot and occupied by not more than 1 family, second family dwelling provided that the lot area per family shall not be less than the minimum lot required for the district in which such lot is situated, recreational facility owned or operated by the Town or governmental unit, public building owned or operated by the Town, county, state, or federal government, transformer station, substation, pumping station or automatic telephone exchange, subject to further provisions, fire station, and customary home occupations for gain, subject to further regulations. Permitted uses subject to a Special Use Permit within the Residential District include cemeteries, churches and other religious centers, parks, libraries, licensed hospitals, private clubs or

lodges for members only, operated by a not-for-profit, wind generator, subject to further provisions, and commercial antenna and micro relay stations.

Permitted uses within the Lakeshore district include single-family and multi-family dwellings, town-owned recreational facilities, public buildings, transformer stations, substations, pumping station or telephone exchange, fire station, and home occupations. Uses permitted through a special use permit in the Lakeshore district include cemeteries, churches, parish houses, convents, religious, sectarian, and nonsectarian, denominational, private or public schools. Parks or recreation areas operated by a not-for-profit, libraries, and wind generators.

The Town of Owasco Zoning Law also includes provisions for a Solar Energy System Floating Overlay district and Environmental Protection Overlay Districts (EPODs). All applicants and owners of Tier 3 Solar Energy Systems must file for a zoning change application for the parcels of land to be re-zoned as the Solar Energy System Overlay District. The Town may establish EPODs to provide special controls over land development located in sensitive environmental areas and has established three EPODs to preserve unique environmental features. None of the Town's Overlay districts are within the Facility Site.

#### Town of Scipio

Zoning regulations were adopted in the Town of Scipio in 2021 and were most recently amended in July, 2024. The Town of Scipio is divided into the following three zoning districts: Agricultural/Residential (ARD), Hamlet District (HD), and Waterfront District (WD). All portions of the Facility Site located within the Town of Scipio are within the Agriculture/Residential zoning district. However, portions of the 5-mile Study Area are within all three of the Town's zoning districts. The Applicant is engaged in ongoing consultations with the Town to address compliance with local laws and regulations (see Appendix 2-A and Exhibit 24).

Permitted uses within the Agricultural/Residential district include agriculture, two-family dwellings and single-family dwellings, short-term rentals, accessory uses and structures, and other uses requiring site plan approval, including artist studios, cemeteries, craft beverage industry, cultural establishments, funeral homes, greenhouse/nurseries, laundromats, physical fitness centers, recreational camps, and restaurants. Uses permitted through a special use permit within this district include accessory dwelling units, adult oriented businesses, animal care facilities, construction service, daycare facilities, drinking establishments, educational facilities, extractive industries/mining, farmers' markets, gas stations, golf courses, hotels, light industrial uses, offices, public utilities, religious institutions, solar energy systems, and wind energy facilities.

Permitted uses within the Hamlet district include accessory structures and uses, agriculture, artist studios, benevolent society clubs/lodges, craft beverage industry, cultural establishments, funeral homes, laundromats, municipal or public facilities, physical fitness centers, religious institutions, restaurants, retail business establishments, single family dwellings, short-term rentals, and two-family dwellings. Uses permitted through a special use permit include transportation facilities, storage or disposal of fertilizers, pesticides/herbicides, retail business establishments, public utilities, personal service use, outdoor storage, outdoor recreation, offices, motor vehicle repair shops, and multi-family dwellings.

Permitted uses within the Waterfront district include accessory uses and structures, agriculture, artist studios, benevolent society clubs/lodges, single-family dwellings, short-term rentals, private stables, and two-family dwellings. Uses permitted through a special use permit within this district include animal care facilities, cultural establishments, daycare facilities, drinking establishments, educational facilities, elderly congregate housing, emergency service facilities, farmers' markets, health care facilities, large home occupations, hotels, indoor recreation, marinas, public facilities, outdoor recreation, transportation facilities, restaurants, retail businesses, recreational camps, physical fitness centers, and personal service uses.

There are no provisions within the Town of Scipio Zoning Law for floating or overlay districts.

#### Town of Springport

Zoning regulations for the Town of Springport were adopted in 2017. The Town of Springport is divided into the following five zoning districts: Agricultural (AG), Commercial (C), Residential (R1), Waterfront Residential (R2), and Industrial (I). No portions of the Facility Site are within the Town of Springport. However, the Agricultural zoning district is located within the 5-mile Study Area.

Permitted uses within the Agricultural district include agricultural commerce and tourism, campgrounds, cemeteries, commercial gardening, farm operations, private airstrip, public and private parks and preserves, roadside stand, single-family residences, farm worker residences, telecommunications and communications facilities and transmission towers, and temporary buildings. In addition, uses permitted through site plan approval within this district include golf courses, kennels, outdoor recreation clubs, public and private schools, and religious uses. Although non-commercial wind energy facilities are permitted in this district, no commercial-scale wind energy facilities are specifically called out in the Town of Springport's zoning regulations.

There are no provisions within the Town of Springport Zoning Law for floating or overlay districts.

#### Town of Venice

The Town of Venice has not adopted zoning ordinances. More than 50% of the land area within the Facility Site is located within the Town of Venice. The Applicant is engaged in ongoing consultations with the Town

to resolve any potential issues of compliance with local laws and regulations (see Appendix 2-A and Exhibit 24).

### Village of Moravia

Zoning regulations were adopted in the Village of Moravia in 1988, and were subsequently amended by local laws in 1990, 1993, 1994, 1997, 1999, 2001, 2003, 2019, and 2021. The Village of Moravia is divided into the following six zoning districts: Residential (R), Central Business (CBD), Commercial (C), Commercial/Light Industrial (COM/LT), Agricultural (AG), and the Agricultural/Recreational (A/R) district. No portions of the Facility Site are located within the Village of Moravia; however, all zoning districts within the Village are within the 5-mile Study Area.

Permitted uses within the Residential District include single-family and two-family dwellings, public schools, noncommercial greenhouses, and private garages.

Permitted uses within the central business district include single-family and two-family dwellings, townhouses, public schools, private garages, clubs and lodges, medical and dental offices, banks, radio and TV studios, theaters, restaurants, clothing and shoe shops, laundry, dry cleaning, and retail and commercial businesses.

Permitted uses within the Commercial district include tilling of soil, single and two-family homes, town houses and mobile homes, public schools, libraries, noncommercial greenhouses, private garages, clubs and lodges, medical or dental offices, banks, theaters, bowling alleys, photo studios, restaurants, clothing and shoe shops, personal services shops, miniature golf courses, car washes, and commercial garages.

Permitted uses within the Commercial/Light Industrial district include residential dwellings, town houses, public schools, medical or dental offices, banks, radio and tv studios, theaters, photo studios, bowling alleys, retail and commercial businesses, car washes, hotels, kennels, taverns, and gas stations.

Permitted uses within the Agricultural district include tilling of soil, single-family dwellings, public schools, noncommercial greenhouses, and private garages.

Permitted uses within the Agricultural/Recreational district include tilling of the soil, single-family dwellings, public schools, noncommercial greenhouses, and private garages.

Wind energy generating facilities are not specifically mentioned in the zoning ordinance.

There are no provisions within the Village of Moravia Zoning Law for floating or overlay districts.

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

The proposed Facility was reviewed for consistency with existing comprehensive plans adopted by municipalities where Facility components or ancillary facilities are located. As previously stated, all Facility components are located within the Towns of Scipio and Venice, Cayuga County, New York. The Town of

Venice adopted their comprehensive plan in January 2022 (Appendix 3-A). The Town of Scipio adopted their comprehensive plan in January 2011 (Appendix 3-A).

### Town of Scipio

The Town of Scipio adopted a Comprehensive Plan in 2011 with the purpose of protecting the health, safety, and general welfare of the citizens of the community and their environment.

The plan identifies 14 primary goals that address the community's key values and concerns of Agriculture and Farmland Protection, Land Use Planning and Subdivision Regulation Supportive of Community Vision, Environmental Stewardship and Water Quality Protection, Improved Public Utilities and Services, and Community Development and Historic Preservation:

- 1) Preserve the rural-agrarian character of the Town;
- 2) Support future viability of local agricultural practices;
- 3) Protect the existing open space and scenic views of farmland and lakes in the Town of Scipio;
- 4) Protect natural resources of significance to the Scipio community;
- 5) Maximize the potential of the Town's history and historic resources to become sources of economic and cultural benefit to the community;
- 6) Plan for and seek opportunities to increase the availability of affordable single-family, and senior citizen housing in the Town;
- 7) Support water quality preservation through good stewardship of Owasco Lake and the Owasco and Cayuga Lake watersheds;
- 8) Improve Communications Infrastructure;
- 9) Explore potential benefits and impacts of renewable energy resource development;
- 10) Maintain or improve the present quality of Town roads and services;
- 11) Encourage the improvement or development of additional community recreational facilities;
- 12) Seek opportunities to increase community participation and civic resources;
- 13) Support volunteer recruitment for fire and ambulance services; and
- 14) Expand efforts to support the preservation of the historic heritage of the Town.

Goal # 9 demonstrates the Town's interest in the potential benefits of renewable energy development within their community. The Plan also lists a specific objective associated with Goal #9, which states "conduct a critical review of both individual and commercial wind energy, solar energy, bioenergy, and potential associated benefits and impacts on the Town." The Applicant was not able to determine if this study was completed or locate the results of this study; however, the comprehensive plan notes that the goals outlined within the plan are based on results of a resident survey that was administered by the Town's Comprehensive Planning Committee. The results of the survey showed that when community members were asked what they wanted for the future of the Town, 75% indicated that they wanted to see more commercial wind development. In addition, more than 60% of respondents favored land use regulations for wind power and other renewable energy development.

The proposed Facility is compatible with the 2011 Scipio Comprehensive Plan. The proposed Facility will bring clean energy development to the area, will not result in significant adverse environmental impacts, and as outlined in Exhibit 15, will help ensure the agricultural viability of the area by supplementing the income of participating farmers. A copy of the Town of Scipio Comprehensive Plan is included in Appendix 3-A.

### Town of Venice

The Town of Venice adopted a Comprehensive Plan in 2022. The plan identifies 21 primary goals that address the community's key values and concerns of Open Space and Natural Resources, Town Operations, Infrastructure and Telecommunications, Housing, Education, Land Use, Agriculture, and Renewable Energy:

- 1) Preserve and protect the natural resources of the town;
- 2) Partner with the Southern Cayuga Farmers Festival Association to support the Venice Pavilion as a community asset;
- 3) Improve information delivery to town residents and stakeholders;
- 4) Create reduced speed zones along State Route 34 around Venice Center to reduce speeds through the hamlet area;
- 5) Improve broadband and communications access, reliability, and service;
- 6) Maintain or improve quality of town services and roads/bridges;
- 7) Maintain and rehabilitate existing housing stock to ensure community's welfare, retain existing community members, attract new community members, and increase sustainability;
- 8) Work towards affordable and accessible housing units available to current and potential residents of the Town of Venice;
- 9) Increase communication and cooperation between the Town of Venice and the Southern Cayuga Central School District;
- 10) Maintain an appropriate balance between property rights of individual landowners and the community as a whole;
- 11) Review and implement the Cayuga County Agriculture and Farmland Protection Act;
- 12) Increase education of agricultural practices for non-farmers and younger residents;
- 13) Enhance local agricultural economy and support agricultural economic development incentives;
- 14) Encourage continued communication and cooperation between farmers and local government;
- 15) Develop a Town of Venice Right-to-Farm Law;
- 16) Balance the town's benefits from renewable resources, while protecting the physical environment and agricultural landscape that gives Venice its rural character;
- 17) Maximize the benefit of clean energy projects to low-to-moderate income households through community energy projects;
- 18) Decrease the cost of energy to town consumers by utilizing the renewable energy resources abundant in the town;
- 19) Develop a Town of Venice Solar Energy Law;
- 20) Develop a Town of Venice Wind Energy Law;
- 21) Support the existing anaerobic digestion operations of farm waste within the town and encourage further methane capture through biogas creation.

Goals #16, #17 and #18 demonstrate the Town's interest in the potential benefits of renewable energy development within their community, and Goal #20 supported the eventual development of the wind energy law that is currently in effect. The plan also lists a specific implementation strategy associated with



Goal #17 and otherwise discusses ways in which renewable energy development can be leveraged positively by the town. Included in the plan is a community survey that was used to guide discussions and development of the plan. The results of the survey indicate that respondents generally viewed residential wind energy projects more favorably than commercial wind energy, and preferred commercial projects that would provide “a modest decrease to your taxes”. Most respondents were in favor of the Town of Venice encouraging site plan regulations on large scale renewable energy developments.

The proposed Facility is compatible with the 2022 Venice Comprehensive Plan. As discussed in Exhibit 24, the proposed Facility complies with the Town of Venice local laws that were developed as a result of the findings of this comprehensive plan. Furthermore, the proposed Facility has been designed to minimize potential impacts on the physical environment and the agricultural landscape to the maximum extent practicable, while still providing the economic benefits of renewable energy development. In keeping with Goal #18, the Applicant has committed to participate in a Shared Community Payment Program with neighbors to the Facility. Financial benefit agreements for this program will begin once the Facility is operational and will continue on an annual basis for the life of the Facility. A copy of the Town of Venice Comprehensive Plan is included in Appendix 3-A.

#### **(i) Map of Proposed Land Uses**

The Applicant has identified proposed land uses within the 5-mile Study Area based on discussions and consultation with State and local planning officials (including the Towns of Fleming, Genoa, Ledyard, Locke, Moravia, Niles, Owasco, Scipio, Springport, Venice, and the Village of Moravia), open houses, and other sources. Figure 3-7 illustrates all publicly known proposed land uses within the 5-mile Study Area.

To obtain information regarding publicly known proposed land use plans, the Applicant distributed consultation letters to the Towns of Scipio and Venice on March 29, 2024, and to the remaining municipalities within the 5-mile Study Area on May 09, 2024 and May 10, 2024, requesting local feedback regarding any proposed land uses in the vicinity of the proposed Facility. As of the date of this Application, the Town of Scipio responded on June 18, 2024 and indicated that they were aware of no new land use plans which might warrant consideration in this Application. Copies of this correspondence are provided in Appendix 2-A. No other towns responded to the Applicant’s outreach.

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, and other publicly available sources, 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 they exist. See Table 3-2 for a list of proposed land uses relevant to this discussion.

**Table 3-2. Proposed Land Uses within 5-Miles of the Facility Site**

Assigned Map ID	Municipality	Proposed Use	Status Identified in Meeting Minutes
1	Ledyard	Dog Corners Solar Project	Preliminary
2	Scipio	Scipio Solar Project	Proposed
3	Moravia	Chestnut Ridge Solar	Proposed
4	Venice	Harvest Hills Solar Project	Preliminary
5	Scipio	Scipio Solar Facility	Proposed
6	Moravia	Van Pelt Lane Solar Farm	Preliminary

The Applicant examined NYSDEC data on installed and proposed utility-scale wind projects to estimate potential land use changes from other renewable energy projects. 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., spatial extent) are not current in most cases. The other limitation of the project records in this database is that they don't always indicate the current project status for many solar projects. However, it is the only centralized source of solar project information in the state. In addition, the Applicant included utility-scale renewable energy project locations documented by the New York State Department of Public Service (NYSDPS) or the Office of Renewable Energy Siting and Electric Transmission (ORES), for which a case number has been issued. Proposed renewable energy projects, located within 5 miles of the Facility, identified by these databases include the Dog Corners Solar Project, Scipio Solar Project, Chestnut Ridge Solar Project, Harvest Hills Solar Project, and Van Pelt Lane Solar Farm (Figure 3-7).

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

Figure 3-8 illustrates specially designated areas within the 5-mile Study Area, including designated agricultural districts, flood-prone areas, and critical environmental areas designated pursuant to Article 8 of the Environmental Conservation Law (ECL). Table 3-3 summarizes the sources of data used to prepare this map and whether the specially designated areas listed in the Article VIII regulations 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
Designated coastal areas	NYS GIS Clearinghouse, NYS Department of State	None
Inland waterways	NYS GIS Clearinghouse, NYS Department of State	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
Agricultural districts	NYS GIS Clearinghouse, Cayuga County	See Figure 3-8
Flood hazard areas	NYS GIS Clearinghouse, FEMA	See Figure 3-8
Critical Environmental Areas	NYSDEC	None
Coastal Erosion Hazard Areas	NYSDEC	None

According to the Federal Emergency Management Agency (FEMA) Flood Map Service Center, there are no mapped 100-year flood zones located within the Facility Site; however, there are mapped flood zones within the 5-mile Study Area associated with the creeks and lakes in the area (see Figure 3-8). In addition, there is one designated inland waterway (Owasco Lake) located within the Study Area; however, Owasco lake is approximately 1 mile from the Facility Site and no impacts to the waterway are anticipated. There are no designated coastal areas or erosion zones, Local Waterfront Revitalization Program communities, or groundwater management zones within the 5-mile Study Area (NYSDOS, 2020).

Within the 5-mile Study Area, approximately 88,423.2 acres (approximately 87% of the land) is enrolled in an agricultural district. 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 to 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. Projects such as the Facility are generally consistent with and supportive of agricultural land uses and districts and allow a majority of the site to continue agricultural use during project operation. A detailed discussion of agricultural resources and impacts is provided in Exhibit 15.

All New York State Certified Agricultural District lands located within the 5-mile Study Area are within Cayuga County Agricultural District #5. 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. See Exhibit 15 for more details regarding agricultural resources within the Study Area.

Critical Environmental Areas are areas in the state which have been designated by a local or state agency to recognize a specific geographical area with one or more of the following characteristics: a feature that is a benefit or threat to human health; an exceptional or unique natural setting; an exceptional or unique social, historic, archaeological, recreational, or educational value; or an inherent ecological, geological, or hydrological sensitivity to change that maybe adversely affected by any physical disturbance. There are no Critical Environmental Areas within the Facility Site or 5-mile Study Area.

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

Figure 3-9 illustrates recreational and other land uses known to the Applicant within the 5-mile Study Area. As shown in Figure 3-9, portions of the Finger Lakes Snowmobile Trail are located within the Facility Site and cross proposed infrastructure in several locations, i.e., proposed access roads and underground collection lines. Temporary closure of these portions of trail are anticipated during construction; however, no impacts to the trail are anticipated to occur during operation. No impacts to recreational or other resources identified in Figure 3-9 are anticipated as a result of Facility construction or operation.

During the Phase 1B Archaeological Survey, archaeological sites were identified within the Facility Site; however, per National Historic Preservation Act § 304, 9 NYCRR § 427.8, and New York State Public Service Law § 15, the location of these sites are not disclosed in Figure 3-9. The location of these sites is confidential and will be included in reports provided to the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) only.

State and National Heritage Areas are designated where historic, cultural, and natural resources combine to form cohesive, important landscapes, and are meant to be large, lived-in landscapes. Heritage area entities collaborate with local communities to determine how to make heritage relevant to local interests and needs, and to stimulate tourism in those areas. Portions of the Erie Canalway National Heritage Corridor are located within the 5-mile Study Area. The National Park Service's Erie Canalway Preservation Management Plan (NPS, 2008) outlines the goals for the Heritage Area, several of which relate to the protection of historic and cultural resources, sustainable development, and conservation of natural resources along the canal.

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 where practicable (see Exhibit 9 for more information). In addition, as a renewable energy generating facility, the Project 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.

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
Wild, Scenic and Recreational River Corridors	National Wild and Scenic Rivers System	None
Open Space	NYS GIS Clearinghouse; NY Protected Areas Database	See Figure 3-9
Archaeological and Historic Resources	On-Site Survey, State and National Registers of Historic Places	See Figure 3-9
Geologic Resources	New York State Museum	None
Wildlife management lands	NYS GIS Clearinghouse, NYSDEC, U.S. Fish and Wildlife Service	None
Parks	NYS GIS Clearinghouse; NY Protected Areas Database, Local Consultation	See Figure 3-9
NYSDEC Lands	NYS GIS Clearinghouse, NYSDEC	See Figure 3-9
Conservation easement lands	National Conservation Easement Database; NYS GIS Clearinghouse	None
State and federal scenic areas and byways	NYSDOT; NYS GIS Clearinghouse	See Figure 3-9
Nature preserves	NYS GIS Clearinghouse; NY Protected Areas Database	None
Designated trails	NYS GIS Clearinghouse and local governments	See Figure 3-9
Historical Sites	NYS GIS Clearinghouse	See Figure 3-9
Designated Wilderness	NYS GIS Clearinghouse	None
Oil and gas production	NYSDEC	See Figure 3-4
Gas pipelines	NYSDEC, NYSDPS	None
Public-access fishing areas, camping areas	NYS GIS Clearinghouse, NYSDEC	None
Major communication and utility uses and infrastructure	Telecommunications Providers; Comsearch	Figure 20-1
Institutional, community and municipal uses and facilities	ESRI; TIGER/line files; NYS GIS Clearinghouse	See Figure 3-9

No Wild, Scenic, and Recreational River Corridors identified by the National Park Service (NPS), or designated wilderness areas exist within the 5-mile Study Area.

Areas identified in the New York Protected Areas Database (NYPAD) include local, municipal, and state owned and/or protected lands. The 5-mile Study Area contains two private nature preserves (Great Gully Preserve and Owasco Bluffs), one municipal parks (Moravia Village Lands parks), five municipal local resource management areas, one private protected area (Cayuga County Sportsman Association), one state park (Fillmore Glen State Park), one state forest (Frozen Ocean State Forest), one state wildlife management area (WMA) (Owasco Flats WMA), one state protected area (Owasco Lake Water Access), and one state fishing site (Owasco Inlet Fishing Access). None of these areas are located within the Facility Site or within

1 mile of the Facility Site. No national wildlife refuges, national forests, or other local parks are present within the 5-mile Study Area.

The State and National Registers of Historic Places (S/NRHP) provide a dataset of historic and archaeological resources within the 5-mile Study Area. There are 23 NRHP-listed resources within the Study Area (Figure 3-9). The National Historic Preservation Act, the New York State Historic Preservation Act, and the New York State Historic Preservation Office (SHPO) 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 SHPO. Resources found on site are not included in the mapping for this Exhibit and are further described in Exhibit 9.

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 and limestone, and sandstone. Sandstone, shale, and limestone are also present within the Facility Site. In addition, seven topographic linear features are present within the 5-mile Study Area. More information regarding geology of the Facility Site is presented in Exhibit 10.

Several snowmobile trails and one State Park trail system, associated with the Fillmore Glen State Park, are present within the 5-mile Study Area. One of the snowmobile trails intersects the Facility Site. No other designated trails are present in the 5-mile Study Area.

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

### **(I) General Compatibility with Existing Land Use Within 1-Mile**

According to NYSORPS, Residential land constitutes approximately 17% of the 1-mile Study Area and is defined as "property used for human habitation." A portion of the 1-mile Study Area (approximately 74%) can be categorized as Agricultural land and is defined as "property used for the production of crops or livestock." Of the land classified as Agricultural, the majority (63%) is property class code 105, productive agricultural vacant land. Land explicitly within the Vacant Land classification is defined as "property that is not in use, is in temporary use, or lacks permanent improvement" and constitutes approximately 5% of the 1-mile Study Area. 1% of the 1-mile Study Area is characterized as Recreation and Entertainment land and is defined as "property used by groups for recreation, amusement, or entertainment." 1% of the 1-mile Study Area is characterized as Community Services land and is defined as "property used for the wellbeing of the community." <0.1% of the land in the 1-mile Study Area is classified in the Public Services category, defined as "property used to provide services to the general public." <1% of the 1-mile Study Area is characterized as Commercial land and is defined as "property used for the sale of goods and/or services." 1% of the 1-mile Study Area is characterized as Wild Forested, Conservation Lands and Public Parks land and is defined as "reforested lands, preserves, and private hunting and fishing clubs." Table 3-5 summarizes land use impacts to each of these categories, based on the impact calculations detailed in Exhibit 5.

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

Land Use	Acres within the Facility Site	Acres within 1-Mile Study Area
100 - Agricultural	3,441.8	13,025.5
200 - Residential	231.0	3,035.5
300 - Vacant Land	267.6	855.1
400 - Commercial	0.0	39.3
500 - Recreation and Entertainment	0.0	131.4
600 - Community Services	14.0	224.6
700 - Industrial	0.0	0.0
800 - Public Services	0.0	5.2
900 - Wild, Forested, Conservation Lands and Public Parks	34.5	233.5
Unknown	0.0	0.0
<b>Total</b>	<b>3,988.8</b>	<b>17,550.1</b>

No substantial permanent changes in land use are anticipated as a result of Facility construction and operation, and no changes are predicted outside the Facility Site. The construction of turbine bases, crane pads, access roads, O&M facility, and the collection substation and POI switchyard, will result in the conversion of approximately 25.2 acres, or <1% 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.

Through community outreach, the Applicant has determined which land uses in 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. See Exhibit 8 (Visual Impacts) and the Visual Impact Assessment (VIA; Appendix 8-A) for a further discussion of this outreach. Viewshed analysis based on existing topography, vegetation, and structures indicates that the proposed wind turbines will be screened from approximately 60% of the visual study area (VSA); i.e., 40% of the VSA is indicated as having potential visibility of one or more wind turbines). This limited visibility from the surrounding area is primarily attributable to the presence of rolling topography and forestland throughout the VSA and woodlots and hedgerows abutting open agricultural area. Areas of actual visibility are anticipated to be more limited than indicated by the viewshed analysis due to the slender profile of the turbines (especially the blades, which make up the top 246-269 feet of each turbine), roadway vegetation not considered by the viewshed analysis, and other visibility limiting factors, such as atmospheric perspective and human visual acuity. Where visible, the presence of the turbines will likely result in a change in perceived land use from some viewpoints.

Evaluation by a rating panel of registered landscape architects and planners indicates that the Facility's overall contrast with the visual/aesthetic character of the area will generally result in moderate contrast with the existing landscape. However, based on the contrast rating scores and comments, greater levels of contrast can be anticipated where open views of multiple turbines are available from close distance (less than 1.0 mile), which tended to heighten the Facility's contrast with existing elements of the landscape in terms of line, form, and especially scale. Conversely, contrast is reduced when turbines are partially screened, viewed at greater distances, seen in the context of a working agricultural landscape, viewed in a setting with existing visual clutter, or co-located with currently operating wind project. High contrast also does not always indicate adverse visual impact. The visibility of the proposed turbines is not expected to affect the use and enjoyment of the Facility Site and surrounding areas for the current and planned land uses. For more information on the anticipated visual impacts of the Facility, see Exhibit 8 of this Application.

A shadow flicker analysis has been prepared for the proposed Facility and is included in the Visual Impacts Minimization and Mitigation Plan (see Attachment A to Appendix 8-B). This study indicates that no non-participating receptors are predicted to receive more than 30 hours of shadow flicker per year. The Applicant intends to execute good neighbor agreements with the owners of any non-participating residences that could receive over 30 hours of shadow flicker per year, at which point they would be considered participants. Ultimately, the Applicant will ensure that all non-participating residences will experience less than 30 hours of shadow flicker per year by including a shadow flicker detection and prevention system in each Facility wind turbine. See Exhibit 8 of this Application for more detailed information on shadow flicker impacts near the Facility Site.

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 design goals (45 dbA) 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 limited and primarily associated with component deliveries. Exhibit 16 provides more information regarding the anticipated traffic during construction and operation of the Facility as well as efforts to minimize and mitigate such impacts.

Construction of the Facility is not anticipated to negatively impact local fire districts or school districts within the 1-mile Study Area. The Applicant coordinates regularly with Town officials, fire district representatives, and local emergency responders to ensure the Facility design complies with the fire code and safety and security concerns are addressed. The Applicant hosted an in-person meeting on April 23, 2024 and corresponded via email with fire district representatives and other local emergency responders to review the Applicant's Site Security and Safety Response Plans and solicit feedback on Facility safety response procedures (Appendix 2-B). Comments and concerns raised by emergency providers were collected by the Applicant and used to inform the Site Security and Safety Response Plans submitted with the Application (Appendix 06-A). The Applicant will continue to coordinate with the fire districts ahead of and during construction to ensure construction activities do not impede emergency response vehicles or fire district



staff. The Applicant will also conduct drills and safety trainings with Site personnel, in consultation with the local fire departments, as detailed Exhibit 06 and Appendix 06-A.

The Applicant has conducted outreach with the transportation departments of school districts within the vicinity of the Facility Site in an effort to obtain information on bus schedules and transportation routes (Appendix 02-B). The Applicant will continue to seek feedback and coordinate with school districts within the 1-mile Study Area to ensure school bus schedules are unimpeded and transportation safety is maintained during the construction period. No impacts to school district enrollment or financing are anticipated as a result of the operation of the Facility. The construction and operation of the Facility will not impose a financial burden on the local school and fire districts; indeed, payments made by the Applicant to the local community have the potential to directly benefit both the local school and fire districts.

#### Compliance with NYSAGM Guidelines for Agricultural Mitigation for Wind Power Projects

The New York State Department of Agriculture and Markets (NYSAGM) has promulgated a guidance document that applies to wind power projects sited on agricultural lands (NYSAGM, 2018). The *Guidelines for Agricultural Mitigation for Wind Power Projects* include siting goals, 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 siting and construction will generally 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 NYSAGM during construction if deviation from the approved plans is necessary. In addition, the Applicant will continue to consult with landowners and NYSAGM throughout the Article VIII 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.

Following construction, subsoil decompaction will be implemented in accordance with the project plans and the Stormwater Pollution Prevention Plan (SWPPP), and in coordination with the landowner. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. Impacts to surface and subsurface drainage features will be restored in accordance with commitments made to the landowner. No Facility restoration activities will occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist.

#### Facility Consistency with Regional Planning Documents

In addition to the regional Comprehensive Plans discussed in Section (h), the Facility is consistent with the regional and 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 Regional and Statewide Planning Documents**

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
New York Open Space Conservation Plan (2016)	<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 utilizes a renewable resource to generate 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 (2020-2025)	<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 (see Exhibit 9)</li> </ul>	None
Statewide Comprehensive Outdoor Recreation Plan (2021-2026)	<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>	<ul style="list-style-type: none"> <li>- The Facility does not have any direct impact on known public recreational resources.</li> </ul>	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>	<ul style="list-style-type: none"> <li>- The Facility is aligned with the plan's stated goal of reducing greenhouse gases 30%.</li> </ul>	None

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies
Cayuga County Agricultural Plan (2014)	<ul style="list-style-type: none"> <li>- Improve economic opportunities for agriculture-related businesses in Cayuga County;</li> <li>- Achieve widespread awareness and appreciation in the county of the economic health and cultural importance of local food and local agriculture;</li> <li>- Ensure a vibrant future for farming in Cayuga County.</li> </ul>	<ul style="list-style-type: none"> <li>- Utilizing renewable resources on agricultural land to generate electric power and provide local and regional economic benefits.</li> <li>- Maintaining agricultural land use patterns in the vicinity of the Facility.</li> <li>- Supplement farmers' income to ensure farms remain viable.</li> </ul>	None
Central New York Regional Sustainability Plan (2013)	<ul style="list-style-type: none"> <li>- Improve the region's energy management by increasing the use of local clean energy sources in place of fossil fuels</li> <li>- Provide infrastructure that reduces greenhouse gas emissions</li> <li>- Adapt successfully to a changing climate and improve the resilience of the region's communities, infrastructure and natural systems.</li> </ul>	<ul style="list-style-type: none"> <li>- Utilizing a renewable resource to generate electric power and provide local and regional economic benefits.</li> </ul>	None

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

The Applicant intends to install collection lines almost entirely underground. One approximately 420-foot-long segment of overhead collection line is proposed to be installed at the crossing of a tributary of Big Salmon Creek. This segment of overhead collection line is sited on the edge of a forested area in a location that will be largely not visible to the general public and will have no substantive impacts on land uses, including ongoing agricultural activities. The proposed Facility will also connect the collection substation to the POI switchyard, and the POI switchyard to the New York electrical grid using a short generation-tie line. The proposed aboveground interconnections will be constructed consistent with 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 proposed aboveground interconnections are described in Exhibit 8 and Appendix 8-A. Overall, the limited above-ground interconnections proposed for the Facility are not anticipated to have a significant impact.

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

The Facility will include approximately 30 miles of underground collection lines. A total of 1,240 acres will be located within 300 feet of the centerline of underground collection lines and related facilities. Land use within this area has been classified by the NYSORPS as follows: Agriculture, 1096 acres (88%); Residential, 87 acres (7%); Wild, Forested, Conservation Lands and Public Parks, 31 acres (2%); Community Services, 5

acres (<1%); Public Services, 1 acre (<1%); Vacant Land <1 acre (<1%). Approximately 1,215 acres (98%) 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 Agricultural Mitigation for Wind Power Projects* (NYSAGM, 2018) by installing underground lines 48 inches or more below ground on agricultural lands. At this depth, 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-C) 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.

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

The Facility Site is not located within a designated coastal area or in direct proximity of a designated inland waterway. 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 1-foot resolution natural color orthoimagery from the New York State Digital Orthoimagery Program (NYSDOP) captured during the 2023 growing season.

#### **(q) Aerial Photograph Overlays**

Figure 3-11 illustrates the Facility components along with the proposed limits of vegetation and soils disturbance overlaid on NYSDOP imagery captured in the 2023 growing season. These maps were created using ArcGIS software. Point symbols depict the wind turbines, meteorological towers, and ADLS tower; line symbols are used to depict the centerlines of proposed access roads and electrical collection lines; and polygon symbols to depict the substation, POI switchyard, O&M facility, and the construction laydown areas. Buffers around each Facility component show the anticipated limits of clearing, limits of grading, and permanent impervious surfaces (i.e., built facilities).

#### **(r) Source of Aerial Photographs**

Figures 3-10 and 3-11 were prepared using 1-foot resolution natural color orthoimagery from the NYSDOP captured during the 2023 growing season.

## **(s) Description of Community Character**

The proposed Facility is consistent with the largely rural agricultural character of the surrounding community. 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 classified areas within 5 miles of the Facility into landscape similarity zones.

Approximately 3,962 acres of the 3,989-acre Facility Site are enrolled in a NYSAGM certified agricultural district. While the proposed Facility will permanently disturb some of this certified agricultural district land, the remainder of the land can continue to be farmed, preserving the character of the towns as farming communities. Moreover, as previously noted, 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. See Exhibit 15 for a full discussion on impacts to agricultural land and mitigation measures.

### Community Land Use Classifications

The Facility is proposed to be located in a rural portion of Cayuga County, which is characterized by gently rolling agricultural land, bisected by vegetated stream corridors, surrounding relatively small rural communities. According to the *Cayuga County Agricultural Plan*, Cayuga County ranked first in New York State in the production of grains and soybeans.

As provided in Section (d) of this Exhibit, NYSORPS land use classification data from 2023 was analyzed to classify the community character in the area of the Facility and the 5-mile Study Area, which is generally representative of Cayuga County. Land use within the 5-mile Study Area is mostly classified as agricultural land (66%), residential land (23%), and vacant land (7%).

Approximately 3,962 acres of the 3,989-acre Facility Site (99%) are enrolled in a NYSAGM certified agricultural district. These areas account for 1% of all lands enrolled in an agricultural district within Cayuga County. 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 large 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 and visually sensitive resources within the 5-mile Visual Study Area in Exhibit 8 (Visual Impacts) as one method of showing community character in the area of the Facility. Within the 5-mile Study Area, the following landscape similarity zones were identified using a combination of the 2021 National Land Cover Database (NLCD) dataset, datasets (streets, place locations, city, village, and town boundaries) published by the New York State Office of Information Technology Services GIS Program Office, the USGS National Hydrography Dataset, and the Environmental Systems Research Institute (ESRI) Land Use/Land Cover dataset:

- Agricultural/Rural Residential (68.4% of Visual Study Area)

- Forest (23.9% of Visual Study Area)
- Owasco Lake (4.5% of Visual Study Area)
- Owasco Flats (1.3% of Visual Study Area)
- Village (1.1% of Visual Study Area)
- Hamlet (0.8% of Visual Study Area).

The landscape similarity zone classifications are based on mapped land cover, elevation, and proximity to various landscape or land use features. Forested lands are likely used by private landowners for hunting or logging, and some of these areas are likely associated with agricultural operations included in the Agricultural/Rural-Residential zone. Some features in the Wetland zone may also be associated with the Agricultural/Rural-Residential zone. Hamlets likely serve as the center of ongoing community activities and are likely the most heavily used areas by the general public, aside from the public roads throughout all zones and residences within the Agricultural/Rural-Residential zone.

The majority of the Facility Site is within the Agricultural/Rural Residential (3,238.4 acres, 81%) and Forest (750 acres, 19%) landscape similarity zones. Figure 5 of the VIA (Appendix 8-A) shows the distribution of landscape similarity zones within the 5-mile Visual Study Area.

Visually sensitive resources identified within the 5-mile Visual Study Area 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 Sections (j) and (k). The types of resources identified in the vicinity of the Facility are typical of what could be included in the landscape similarity zones above. The proposed Facility will add industrial features to areas immediately adjacent to the Project. However, commercial agricultural buildings, electrical transmission and distribution lines, and electrical substations are present in the area as well. Visual screening from topography will significantly reduce visibility of the Facility outside of immediate areas.

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

The proposed Facility will convert approximately 123.1 acres (approximately 3%) of the certified agricultural district land within the Facility Site to built facilities and maintained areas necessary for Facility operation. The remainder of the land can continue to be farmed, preserving the character of the towns as farming communities. Moreover, 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.

As discussed in Exhibit 7 (Noise and Vibration), construction and operation of the wind turbines and other Facility components will have noise impacts. However, these impacts will be minor and will not affect the character of the community. Operational noise levels of the Facility will comply with thresholds established in the Uniform Standards and Conditions (Section 1100-6.5(a)). In addition, the Facility has been designed to avoid and minimize noise impacts by adhering to established setbacks.

The Facility will introduce new visible elements (e.g., wind turbines) 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 turbines 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 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 turbines to avoid or minimize disturbance of wetlands, streams, and cultural/historic resources.
- Using existing roads for turbine access whenever possible to avoid or minimize disturbance of wildlife habitat, wetlands, streams, and cultural/historic resources.
- Following setback requirements outlined in the Section Article VIII regulations to site the Project away from non-participating boundary lines, structures, and public roadways.
- Burying electrical interconnection lines between turbines, to the extent practicable.
- Implementing agricultural protection measures to avoid, minimize, or mitigate impacts on agricultural land and farm operations.
- Consulting 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 a VIA (see Appendix 8-A), various sound-related appendices (see Appendices to Exhibit 7), Cultural Resources Studies (see Appendices to Exhibit 9), and a Shadow Flicker Analysis (see Attachment A to Appendix 8-B). 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. See Exhibit 16 of this Application for a discussion of Facility impacts on transportation, including any effect the Facility might have on the municipal airports. 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 Disturbance**

The Applicant initially reviewed the NYSDEC's Oil and Gas Well database to identify potential oil, gas, and mining solution wells within 500 feet of the Facility's proposed limits of disturbance (NYSDEC, 2019). The NYSDEC's database identified two gas wells within 500 feet of the Facility proposed LOD; however, these wells were permitted, but ultimately never drilled (see Figure 3-12), i.e., no extant NYSDEC-mapped oil and gas wells are located within 500 feet of the proposed LOD.

Although no extant NYSDEC-mapped oil and gas wells are located within 500 feet of the LOD, the Facility is located in NYSDEC Region 7, and therefore the Applicant commissioned UAV Exploration Inc. (UAV) to conduct a magnetometer survey of the Facility Site in accordance with 16 NYCRR Section 1100-2.4(u)(1) to identify potential oil and gas wells located within the Facility Site and within 500 feet of the proposed limit of disturbance (the Magnetometer Survey Study Area; see Figure 3-12). The regulations require that magnetometer surveys be conducted within 500 feet of the LOD, regardless of land control or obstructions/survey limitations. This 500-foot buffer is shown in Figure 3-12. As the Applicant has not secured rights of access to areas outside the Facility Site, the Magnetometer Survey Study Area for the Facility was defined to include areas within the Facility Site and within 500 feet of the LOD.

As a result of design changes that occurred after the completion of the magnetometer survey, some areas within the Magnetometer Survey Study Area were not surveyed by Westwood. These areas are generally located outside the LOD on the edges of the 500-foot buffer. As detailed in the proposed site-specific condition (SSC) below, follow-up surveys will be completed prior to construction to close any survey gaps introduced by design changes and identify potential oil and gas wells on lands controlled by the Applicant that are in proximity to the final limits of disturbance.

*Prior to the start of construction, the Permittee shall complete a supplemental magnetometer survey of the final Facility layout and design and submit a Supplemental Magnetometer Survey Report as a compliance filing. The Supplemental Magnetometer Survey Report shall confirm compliance with the setbacks outlined in 16 NYCRR Section 1100-2.4(u)(2) and (3) and include a discussion of any anomalies found in the supplemental survey.*

SAs detailed in the Magnetometer Survey Report (Appendix 3-B), UAV identified 2 anomalies of interest within the Magnetometer Survey Study Area, both anomalies were identified during ground truthing as water wells (see Appendix 3-B). The locations these anomalies are depicted in Appendix 3-B and Figure 3-12.



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