

Mohawk Solar

Case No. 17-F-0182

1001.4 Exhibit 4

Land Use

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EXHIBIT 4 LAND USE

New York has adopted strongly proactive policies to combat climate change and modernize the electric system to improve the efficiency, affordability, resiliency, and sustainability of the system. In 2014, Governor Cuomo launched New York's signature energy policy, the Reforming the Energy Vision (REV). REV outlines a program designed to support clean energy market development and innovation and to secure renewable energy resources as part of New York's clean energy future. Large-scale renewables ("LSR"), which are larger utility-scale renewable energy project developments, such as the Facility, are a key component of the REV Order, which outlines the issues and tasks to begin to resolve the technical, marketplace, and regulatory challenges necessary to achieve the REV plan and goals. REV recognizes that large-scale renewables, which require more capital and take more planning than other facilities, will be critically important to meeting greenhouse gas (GHG) emissions reduction goals.

The goals of REV are most notably reflected in the 2015 State Energy Plan ("SEP"), issued June 25, 2015, by the New York State Energy Planning Board. The SEP describes the State's energy future through a series of goals such as a 40% reduction in GHG emissions from 1990 levels, and procurement of 50% of electricity generation from renewable energy sources by 2030.¹ The goals directed in the SEP are ambitious and require grid-scale solar projects, such as the Facility, to achieve targeted levels of new renewable generation.

On August 1, 2016, in accordance with the statutory obligation that agency actions must be reasonably consistent with the most recent SEP, the Commission adopted the SEP's goals and approved the Clean Energy Standard ("CES"). Like the SEP, the CES relies primarily on LSR, such as the Mohawk Solar Facility, to achieve its goals relating to energy production from renewable sources. Additional details of New York State's energy objectives are provided in Exhibit 10 of this Application.

In the context of New York State's renewable energy goals, utility-scale solar projects are paramount to successfully increasing renewable energy generation in the State. In order to develop a viable utility-scale solar project, a given site must fulfill a number of requirements. In addition to the suitable solar resource characteristics of the area, it is vital that a proposed facility site possess proximity and ease of connecting to the electrical transmission grid, ease of transportation access, a general lack of sensitive environmental resources, and a receptive host community. In addition, an ideal facility site includes many large, relatively flat, south-facing parcels of unutilized or underutilized land. These characteristics are necessary to maximize solar resource use, allow for a compact facility layout, and to accommodate arrays of photovoltaic (PV) panels without the need for significant grading or other substantial

¹ By Executive Order, it is also a goal of the State of New York to reduce current greenhouse gas emissions from all sources within the State 80% below levels emitted in the year 1990 by the year 2050. Executive Order No. 24 (2009) [9 N.Y.C.R.R. 7.24; continued, Executive Order No. 2 (2011) 9 N.Y.C.R.R. 8.2].

alteration of the landscape. Furthermore, non-forested lands are preferable, as substantial tree clearing (and associated impacts to wildlife habitat and forested wetlands) can be avoided. All of these factors and land use characteristics are essential for a site to be considered suitable for a utility-scale solar energy facility.

The proposed Facility Site represents an ideal balance of the above-mentioned siting criteria. Despite the significant amount of undeveloped land in upstate New York, there are limited sites for utility-scale solar development that provide all of the siting criteria listed above. Of primary importance, utility-scale solar projects must be located in close proximity to a suitable point of interconnection with local transmission infrastructure to minimize interconnection costs and to avoid potential environmental impacts associated with the construction of a transmission line (or similar). The Facility Site is located in Montgomery County, approximately one mile south of the Mohawk River, among the rolling hills of the New York State Appalachian Plateau. Along with the existing 115 KV and 230 KV transmission lines and two gas pipelines that run through the area, the landform of the Facility Site offers many gentle, south-facing slopes, which are ideal for hosting PV panels. The area is not heavily forested, and contains many large parcels of agricultural land. In addition, the Facility Site contains many large areas devoid of significant wetland communities, and no areas of designated statewide significance or high environmental sensitivity. The majority of the Facility Site will be located on parcels of farmland that has experienced (and continues to experience) a challenging agricultural economy. For the landowners who are participating in the project, the Facility will provide a guaranteed revenue stream, nearly all of whom plan to maintain existing agricultural activities on the portions of their properties that are not proposed for development with Facility components. Therefore, although the Facility will remove some areas from active agricultural use, as further described 1001.4(q) (below), the economic stimulus provided by the Facility will help to ensure long term agricultural viability in the region.

According to the New York State Office of Real Property Services (NYSORPS) classification codes, land use within Montgomery County is dominated by agriculture (47.3%), residential land (25.6%), and vacant land (16%) (NYSORPS, 2017). There are approximately 136,440 acres of agricultural land within the County, of which 31% occurs as vacant farmland, 28.5% is used for dairy farming, and 21.8% for field crops (NYSORPS, 2017). The parcels that comprise the Facility Site total approximately 2,360 acres in area. Approximately 700 acres are within the array perimeter fencing, which represents 0.5% of the total 136,440 acres of agricultural land within the County.

Of the approximate total of 2,360 acres that comprise the Facility Site, approximately 522 acres (22.1%) are used for dairy farming, 297 acres (12.6%) as rural residential land, 202 acres (8.6%) for cattle, horse, or poultry farms, 84 acres (3.6%) for field crop farms, and the remaining 1,255 acres (53.2%) is classified as either agricultural vacant or vacant by the NYSORPS. Compared with the entirety of Montgomery County (33%), the Facility Site (53.2%) contains a higher proportion of land classified as vacant by the NYSORPS. A more detailed analysis of vacant land

within the Facility Site is provide below in 1001.4(a). Additionally, portions of the parcels classified by the NYSORPS may consist of landcover, such as forest and wetland, not recognized by parcel property classifications. Approximately 19% of the Facility Site is forested, and 8% is woody wetland. The Facility Site also includes 5% or less of shrub/scrub land, grassland, emergent wetlands and disturbed or developed land. The National Land Cover Data USGS dataset and field surveys used to gather this information are discussed in Exhibit 22.

(a) Map of Existing Land Uses

NYSORPS Land Use Classification

Figure 4-1 illustrates existing land uses within a 2-mile radius of the Facility. This map was prepared using publicly available data from the Montgomery County Real Property Tax Department and the classification codes of the New York State Office of Real Property Services (NYSORPS). The following land use classification codes occur within 2 miles of the Facility: 100 – Agricultural; 200 – Residential; 300 – Vacant Land; 400 – Commercial; 500 – Recreation and Entertainment; 600 – Community Services; 700 – Industrial; 800 – Public Services; and 900 – Wild, Forested, Conservation Lands and Public Parks.

Vacant Land, Including Conservation Easements

The NYSORPS has classified approximately 1,241 acres (52%) within the Facility Site as Vacant Land (according to its 105-level and 300-level property class). The 105-level property is productive agricultural vacant land and 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.” The 300-level property class defines the remainder of vacant land as, “property that is not in use, is in temporary use, or lacks permanent improvement”. However, some activity still occurs on each of these vacant land classifications. According to the USDA National Agricultural Statistics Service (NASS) Cropland Data Layer (USDA, 2018), approximately 677 acres of the NYSORPS Vacant Land is used for growing hay, 171 acres is used for growing corn, 164 acres occurs as deciduous forest, and 68 acres as grassland/pasture. A summary of NYSORPS Vacant Land within the Facility Site according to the USDA NASS is provided in Table 4-1 below. For additional information about vegetative communities at the Facility Site, see Exhibit 22.

Table 4-1. USDA NASS Cropland Data Layer Classification of Land Identified as Vacant by the NYSORPS within the Facility Site

Land Classification	Area (acres)	Percent of total (%)
Other Hay/Non-Alfalfa	676.8	55.8
Deciduous Forest	163.5	13.5
Corn	170.6	12.0
Grassland/Pasture	67.6	5.6
Evergreen Forest	7.8	0.6
Mixed Forest	15.6	1.3
Fallow/Idle Cropland	6.9	0.6
Developed/Open Space	14.3	1.2
Woody Wetlands	31.9	2.6
Shrubland	20.7	1.7
Soybeans	19.8	1.6
Developed/Low Intensity	3.5	0.3
Alfalfa	8.5	0.7
Herbaceous Wetlands	3.7	0.3
Open Water	1.2	0.1
Oats	0.7	0.06
Pumpkins	0.2	0.02
Clover/Wildflowers	0.2	0.02
Total¹	1,213.5	100%

Source: USDA NASS Cropland Data Layer (2018)

¹Note: The USDA NASS Cropland Data Layer exists as a raster and NYSORPS data exists as a vector. The conversion of the Cropland Data Layer resulted in a 2% difference of acreage between the data sources.

In addition, the Applicant has consulted with the landowners of parcels that comprise the Facility Site to obtain more specific information on current agricultural use within the Facility Site. The top four dominant agricultural uses within the Facility Site include hay (approximately 62%), row crops (approximately 28%), pasture (approximately 5%), and trees (approximately 5%).

To determine the location of conservation program lands in the vicinity of the Facility Site, 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. This public-private partnership brings together national conservation groups, local and regional land trusts, and state and federal agencies. The NCED contains records of numerous conservation easements in Montgomery County (see Figure 4-2). There is one conservation easement within the Facility Site, which is held by the U.S. Natural Resources Conservation Service as part of the Wetlands Reserve Program and does not have public access. The Facility

contains a proposed access road on this parcel, however, there will be no direct impacts to the wetland functions and values protected by the easement.

480-a Forest Tax Law

In 1974, the State of New York enacted New York Real Property Tax Law Section 480a to encourage the long-term sustainable management of woodlands to produce forest crops and increase the likelihood of a stable forest economy. The law, known as the 480-a Forest Tax Law, provides property tax savings for landowners who enroll in the program. To be eligible, a forest tract must consist of at least 50 contiguous acres. The landowner must commit to follow a management plan prepared by a forester and approved by the New York State Department of Environmental Conservation (NYSDEC) for the next succeeding ten years, beginning each year they receive the tax exemption. The management plan must identify scheduled commercial harvests, noncommercial thinning of forest stands, road construction, and other management practices, and include a schedule that shows the work to be done each year. Failure to adhere to the annual commitment in the work schedule of the management plan will result in revocation of the certificate of approval by the NYSDEC, and the imposition of penalty or roll-back taxes by the county (NYSDEC, 2016). The NYSORPS assigns the classification code 912 to parcels enrolled in the 480-a program. Based on review of the NYSORPS classification codes associated with the parcel data provided by Montgomery County, there are no Facility parcels enrolled in the 480-a program.

New York State Agricultural Districts

State-certified Agricultural Districts cover most of the land within the Towns of Canajoharie and Minden. Approximately 2,635 acres (99%) of 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. Figure 4-2 depicts agricultural district land at the Facility Site. 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. 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 continued use of farmland for agricultural production. A discussion of the Facility's compatibility with existing and proposed land uses is provided in 1001.4(i) (below), and a discussion on how the Facility impacts the eligibility of parcels to retain agricultural assessments and contributes to agricultural viability more broadly is provided in 1001.4(q) (below).

(b) Transmission Facilities Map

Figure 4-3 illustrates existing overhead and underground major facilities for electric, gas, and telecommunications within a 2-mile radius of the Facility along with proposed Facility components. According to the database maintained by the NYSDEC Division of Mineral Resources, there are no natural gas or oil wells within the Facility Site or the larger Facility Area. The nearest oil or gas well is located approximately 3.8 miles from the Facility Area (NYSDEC, 2018). In addition, based on the various on-site studies and surveys that have been conducted by the Applicant and its representatives, no oil or gas wells were observed within the Facility Site. The Applicant has identified the Dominion and Iroquois Gas Pipelines, which both run through the Facility Area and are shown on Figure 4-3, along with locations of proposed crossings and adjacent components. Additional details regarding crossing or adjacent components are shown on the Preliminary Design Drawings appended to Exhibit 11.

(c) Tax Parcel Map

Figure 4-4 illustrates existing boundaries of parcels where Facility components will be located, and the boundaries of those parcels adjoining such properties. This map shows current land use, tax parcel number, and owner of record of each property, and any publicly known proposed land use plans for any of these parcels. Parcel and land use data was obtained from the Montgomery County Real Property Tax Department.

(d) Zoning District Map

Zoning jurisdiction in Montgomery County is at the city/town/village level. Figure 4-5 illustrates existing and proposed zoning districts within a 2-mile radius of the Facility, including a description of the permitted and prohibited uses within each zone, based on data obtained from local governments. The Applicant has reviewed the zoning regulations for each of the three towns and four villages within 2 miles of the proposed Facility: Canajoharie (Town), Minden (Town), Palatine (Town), Canajoharie (Village), Palatine Bridge (Village), Nelliston (Village), and Fort Plain (Village). A summary of each municipality's zoning regulations is presented below, with a focus on the permitted and prohibited uses in each zoning district located within 2 miles of the Facility. 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 31 for additional details regarding zoning within the Facility Site.

Town of Canajoharie

Zoning regulations were adopted in the Town of Canajoharie on April 5, 2001. This law establishes four zoning districts: Residential, Agricultural/Rural Residential, Commercial, and Manufacturing (Local Law No. 1 of 2001, Article

II §A). This law also establishes three overlay districts: Personal Wireless Service Facilities Overlay, Critical Environmental Overlay, and Scenic Resources Overlay (Local Law No. 1 of 2001, Article II §A).

Permitted uses in Residential (R) District include: single family dwellings (including double-wide mobile homes), two-family dwellings, customary accessory uses/buildings, nursery school/day cares (less than 10 children), parsonage/rectory, and cemetery caretaker houses. Special permitted uses or uses subject to site plan review include the following: mobile home communities, mobile homes (temporary residential), boarding/rooming houses, home occupations, retail sales/services; personal services; professional/business offices; medical or dental clinics/offices; galleries/studios; bed-and-breakfast or tourist homes; funeral homes; nursery school/day cares (10 or more children); places of worship; schools (public or private); nursing homes; convents/monasteries; group homes; and rest homes. All agriculture/farm and industrial uses are prohibited in this district. Many commercial uses are also prohibited in this district, including banks, freestanding drive-thru businesses, motels or hotels, restaurants, bar/tavern/nightclubs, coin operated laundries, laundry or dry cleaning plants, appliance repairs, motor vehicle repairs, agricultural equipment repairs, gasoline stations, new/used vehicle sales, mobile home sales, car washes, animal hospitals or kennels, antique/craft/flea markets, golf courses, campgrounds or recreational vehicle camps, slaughterhouses or rendering plants, processing of agriculture or food products, quarrying/mining/topsoil removal, private storage units, airport or landing strips, wholesale warehouse, music or arts festival or other temporary public gathering, outdoor recreational facilities, indoor theater/auditoriums, fairgrounds, indoor recreational facilities, farm markets, stables, and adult oriented businesses. Cemeteries and crematoriums, as are campsites or private camps are also prohibited (Local Law No. 1 of 2001, Article II §B).

Permitted uses in the Agricultural/Rural Residential (A) District include farm operations, farm stands, manure storage facilities (requires additional regulations); mobile homes as part of a farm operation (requires additional regulations); single family dwellings (including double-wide mobile homes); two-family dwellings customary accessory uses/buildings; nursery school/day cares (less than 10 children); parsonages/rectories; cemeteries (require additional regulations) and cemetery caretaker's houses. Agricultural uses permitted in the Agricultural/Rural Residential (A) District area also permitted in any zoning district throughout the Town if the parcel is part of a State Certified Agricultural District, as determined by Montgomery County (Local Law No. 1 of 2001, Article II §B). Special permitted uses or uses subject to site plan review include the following: accessory building for commercial purposes; multi-family dwelling; mobile home communities; mobile homes (temporary residential); boarding/rooming houses; campsites or private camps; home occupations, retail sales/services; personal services; professional/business offices; medical or dental clinics/offices; galleries/studios; bed-and-breakfast or tourist homes; restaurants; funeral homes; appliance repairs; motor vehicle repairs; agricultural equipment repairs; animal hospital or kennel; antique, craft, or flea market; golf courses; nursery school/day cares (10 or more children); campground/recreational vehicle

camp; slaughterhouse or rendering plant; processing of agricultural or food products; quarrying/mining/topsoil removal; private storage units; airport or landing strip; wholesale/warehouse; music or arts festival or other temporary; public gathering; and outdoor recreational facility; fairgrounds; indoor recreational facility; farm market; stable; adult oriented business; places of worship; schools (public or private); nursing homes; convents/monasteries; group homes; rest homes; all industrial uses; and crematoriums. Several commercial uses are prohibited in this district, including banks, freestanding drive-thru businesses, motels or hotels, bar/tavern/nightclubs, coin operated laundries, laundries or dry-cleaning plants, gasoline stations, new/used vehicle sales, mobile home sales, car washes, indoor theaters and auditoriums (Local Law No. 1 of 2001, Article II §B).

Permitted uses in the Commercial (C) District are limited and only include parsonages/rectories. All agricultural/farm uses, all residential uses, all residential accessory uses, and all cemetery uses are prohibited in this district. Prohibited commercial uses in this district include: golf courses, nursery schools/day cares (both less than 10 children and 10 or more children), campgrounds or recreational vehicle camps, quarrying/mining/topsoil removal, airports or landing strips, outdoor recreational facilities, fairgrounds, and stables (Local Law No. 1 of 2001, Article II §B). All other commercial uses require a special use permit or are permitted subject to site plan review.

Permitted uses in the Manufacturing (M) District are limited and only include cemetery caretaker's houses. All agricultural/farm uses, all residential uses, all residential accessory uses, and all institutional uses are prohibited in this district. Most commercial uses are prohibited in this district, including retail/sales services, personal services, banks, freestanding drive-thru businesses, professional/business offices, medical or dental clinics/offices, galleries/studios, motels or hotels, bed-and-breakfast or tourist homes, restaurants, bar/tavern/nightclubs, coin operated laundries, funeral homes, agricultural equipment repairs, animal hospitals or kennels, golf courses, nursery schools/day cares (both less than 10 children and 10 or more children), campgrounds or recreational vehicle camps, slaughterhouses or rendering plants, quarrying/mining/topsoil removal, airport or landing strips, music or arts festivals or other temporary public gatherings, outdoor recreational facilities, indoor theater/auditoriums, fairgrounds, indoor recreational facilities, farm markets, and stables. Cemeteries are also prohibited uses in this district (Local Law No. 1 of 2001, Article II §B). All other commercial uses and all industrial uses require a special use permit or are permitted subject to site plan review.

The Personal Wireless Service Facilities (PWSF) Overlay District intends to provide a suitable choice of locations for the establishment, construction, and maintenance of personal wireless service facilities, while protecting the integrity of the established neighborhoods of Canajoharie. All new personal wireless service facilities and accessory structures are confined to this overlay district and are required to undergo special requirements in addition to the less stringent requirements of the underlying zoning district (Local Law No. 1 of 2001, Article VI §C11.1-§C11.2).

The purpose of the Critical Environmental (CE) Overlay District is to protect the residents and critical environmental areas of the Town. These areas may include, but are not limited to, former public dumps and private commercial/industrial dump sites. Construction of new residential structures and wells are prohibited on former dump sites identified within this district (Local Law No. 1 of 2001, Article II §B6).

The Scenic Resources (SR) Overlay District intends to preserve the visual assets of the town, including ridgelines, scenic road corridors, viewsheds, and vistas. Development within these visually sensitive areas should be harmonious with the scenic character of the area. Structures larger than five hundred square feet in floor area within the Scenic Overlay District require a Site Plan review and approval from the Planning Board. Structures on a tract of land that includes mapped scenic resources must be sited to avoid occupying or obstructing public views of land in the Scenic Overlay District or should undergo a review for architectural compatibility with the existing landscape and surrounding architectural styles. To grant Site Plan approval the Planning Board must find that such structures will not detract from the scenic character of the area and may require as a condition of approval the establishment of vegetative screening (Local Law No. 1 of 2001, Article II §B7).

Solar energy is not a scheduled land use per Local Law No. 1 of 2001, Article II §B; however, it is classified as an energy distribution facility, and as such, is reviewed by the Planning Board as a component of the preliminary site plan review (Local Law No. 1 of 2001, Article IX §C). The Facility will be located exclusively in the Agricultural/Rural Residential (A) District. As explained in more detail in Exhibit 31, the Town of Canajoharie has determined that the basic requirements of the Town Zoning Code are superseded by the more specific requirements for solar facilities included in the Town's Solar Energy Systems Rules and Regulations, set forth by Local Law No. 2 of 2017. This law includes town-wide bulk and area requirements, general provisions, removal requirements, and building permit fee requirements for utility-scale solar collector systems (Local Law No. 2 of 2017, Article VI §C.14).

Town of Minden

Zoning regulations were adopted in the Town of Minden in December 2017 and subsequently amended in March 2018 (Local Law No. 1 of 2018). This law establishes four zoning districts: Residential, Agricultural, Commercial, and Waterfront Recreation/Open Space. This law also establishes one floating district (Planned Development District) and three overlay districts (Stream Corridor Overlay, Floodplain Overlay, and Wetland Overlay) (Local Law No. 1 of 2018, Article III, §90-6).

Permitted uses in Residential (R-1) District include: one family dwellings, two-family dwellings, community parks, playgrounds, or picnic groves, accessory uses and buildings, low impact home occupations, and agriculture, farms

and associated accessory uses where located in a certified New York State Agriculture District (Local Law No. 1 of 2018, Article III, §90-9.A). Special permitted uses include nursing or convalescent homes or homes for the aged; mobile manufactured home parks; parish houses, convents; launderettes; retail stores; townhouses; multiple-family dwellings; bed-and-breakfast establishments; farm and accessory uses and buildings; and public buildings (Local Law No. 1 of 2018, Article III, §90-9.B). Uses not listed as permitted use or a special permitted use are prohibited (Local Law No. 1 of 2018, Article III, §90-8).

Permitted uses in the Agricultural (A) District include: agriculture, farms and accessory buildings and uses, picnic groves, fish or game clubs (private), nurseries, one-family dwellings, two-family dwellings, community parks or playgrounds, low impact home occupations, mobile manufactured homes as part of a farm operation or for farm worker housing, accessory buildings and uses, mobile manufactured homes, farm stands, horse breeding operations, and stables (private or public) (Local Law No. 1 of 2018, Article III, §90-10.A). Special permitted uses include commercial recreation; bed-and-breakfast establishments; golf courses or country clubs; nursing or convalescent homes or homes for the aged; public utility stations with buildings; farm products plants; radio, tv transmitter, receiving tower, personal wireless service facility with buildings; boarding or rooming houses; churches; parish house or convents; animal/veterinary hospital; public or parochial school or colleges; farm products plants; and multiple-family dwellings (Local Law No. 1 of 2018, Article III, §90-10.B). Uses not listed as permitted use or a special permitted use are prohibited (Local Law No. 1 of 2018, Article III, §90-8).

Permitted uses in the Commercial (C-1) District include: fire stations or municipal buildings, mobile manufactured homes as part of a farm operation, farms and accessory uses or buildings (including farm stands), one-family dwellings, accessory uses or buildings, and low-impact home occupations (Local Law No. 1 of 2018, Article III, §90-11.A). Special permitted uses include gasoline stations; professional offices, studios; banks; utility substations; hotels; public garages; restaurants; fuel sales and storage; automobiles, boat, farm implement or mobile manufactured home sales or rentals; indoor storage of nonliquid, nongaseous fuels; industrial/manufacturing; bowling alleys; multiple-family dwellings; and two-family dwellings (Local Law No. 1 of 2018, Article III, §90-11.B). Uses not listed as permitted use or a special permitted use are prohibited (Local Law No. 1 of 2018, Article III, §90-8).

Waterfront Recreation/Open Space (WRO) District permits the use of agriculture and open space (Local Law No. 1 of 2018, Article III, §90-11.1). Uses not listed as permitted use or a special permitted use are prohibited (Local Law No. 1 of 2018, Article III, §90-8).

Permitted and specially permitted uses in overlay districts (Stream Corridor Overlay, Floodplain Overlay, and Wetland Overlay) are the same as underlying base districts, however, proposed development is directed to areas

outside the overlay boundaries to minimize disturbance (Local Law No. 1 of 2018, Article III, §90-16). The Planned Development District (PDD) is established as a floating zone with potential applicability to any property in the Town for the purpose of residential, commercial, or light industrial use (Local Law No. 1 of 2018, Article III, §90-12). Criteria for properties to be considered for the PDD are listed in Local Law No. 1 of 2018, Article III, §90-12.B.

The Facility will be located exclusively in the Agricultural (A) District. As explained in more detail in Exhibit 31, the Town of Minden has determined that the basic requirements of the Town Zoning Code are superseded by the more specific requirements for solar facilities included in the Town's Solar Energy Systems Rules and Regulations, set forth by Local Law No. 1 of 2017. This law restricts utility-scale solar energy systems to only the Agricultural District, and includes application, permit, and approval requirements, general provisions, abandonment or decommissioning requirements, and definitions (Local Law No. 1 of 2017, §92-52.24.D).

Town of Palatine

Zoning regulations were adopted in the Town of Palatine in 1999. This law establishes three zoning districts: Residential, Agricultural, and Commercial. This law establishes one floating district, the Planned Development District, as well as five overlay districts, including the Stream Corridor (SC) Overlay, the Floodplain (FP) Overlay, Historic (H) Overlay, Wetland (W) Overlay, and the Wellhead Protection (WP) Overlay (Zoning Law 1999, Article V, §7-A).

Principal permitted uses in Residential (R-1) District include: one-family dwellings, community parks or playgrounds, accessory uses and buildings, home occupations, and mobile manufactured homes. Special permitted uses include nursing, convalescent, or home for the aged; mobile manufactured home parks; parish houses or convents; launderette; retail stores, townhouses; two family dwellings; multi-family dwellings; bed and breakfast establishments; farm and accessory uses and buildings; and public buildings. Uses not listed for this zoning district as principal permitted uses or as special permitted uses are prohibited from the district and would therefore require a use variance (Zoning Law 1999, Article V, §7-A).

Principal permitted uses in the Agricultural (A) District include: farms and accessory buildings and uses, picnic groves, fish or game clubs (private), nurseries, one-family dwellings, community parks or playgrounds, home occupations, mobile manufactured homes as part of a farm operations, accessory uses and buildings, and mobile manufactured homes. Special permitted uses include commercial recreation; bed and breakfast establishments; golf courses; nursing, convalescent or homes for the aged; public utility stations with buildings; farm products plants; radio/TV transmitters, receiving towers, personal wireless service facilities with buildings; boarding or rooming houses; churches; parish house or convent; animal/veterinary hospital; public or parochial school or college; farm

products plant; and two-family dwelling. Uses not listed for this zoning district as principal permitted uses or as special permitted uses are prohibited from the district and would therefore require a use variance (Zoning Law 1999, Article V, §8-A).

Principal permitted uses in the Commercial (C-1) District include: bed and breakfast establishments; personal service shops; retail stores; museums; custom workshops; radios, television, or household appliance sales or services; funeral homes; antique shops; animal/veterinary hospitals; feed, lumber, seed, or fertilizer buildings; carwashes; fire stations or municipal buildings; cabinets; electrical, heating, plumbing, or air conditioning shops; mobile manufactured home as part of a farm operation; community park or playground; retail bakeries; historic buildings or sites; laundry or dry cleaning plants; farms and accessory use or building; one-family dwellings; accessory uses or buildings; and home occupations. Special permitted uses include gasoline stations; professional office, studio; bank; utility substation; hotel; public garage; restaurant; fuel sales and storage; automobile, boat, farm implement, or mobile manufactured home sales or rental; indoor storage of non-liquid, non-gaseous fuel; bowling alley; multi-family dwelling; and two-family dwelling. Uses not listed for this zoning district as principal permitted uses or as special permitted uses are prohibited from the district and would therefore require a use variance (Zoning Law 1999, Article V, §9-A).

Permitted and specially permitted uses in overlay districts (Stream Corridor Overlay, the Floodplain Overlay, Historic Overlay, Wetland Overlay, and the Wellhead Protection Overlays) are the same as underlying base districts, however, proposed development is directed to areas outside the overlay boundaries to minimize disturbance (Zoning Law 1999, Article VII, §14). The Planned Development District (PDD) is established as a floating zone with potential applicability to any property in the Town for the purpose of residential, commercial, or light industrial use (Zoning Law 1999, Article V, §10-A). Criteria for properties to be considered for the PDD are listed in Zoning Law 1999, Article V, §9-B.

Village of Canajoharie

Zoning regulations were adopted in the Village of Canajoharie on December 7, 1965 in Local Law No. 3. This law establishes eight zoning districts: Residential (R-1), Residential (R-2), Residential (R-3), Agricultural (A), Commercial (C-1), Commercial (C-2), Manufacturing (M-1), and Planned Historical (P-H) (Chapter 157, Article IV §157-5.A). This law also establishes five floating Planned Development districts: Planned Residential (PDR), Planned Business (PDB), Planned Commercial (PDC), Planned Manufacturing (PDM), and Planned Recreational (PRD) (Chapter 157, Article IV §157-5.C).

Permitted uses in Residential (R-1) include: one-family dwellings, existing two-family dwellings, public or parochial schools, churches, parish houses, and convents, public parks or playgrounds, water reservoirs or standpipes, farm and accessory buildings or uses, and customary accessory uses or structures (Chapter 157, Article V §157-7.A). Special permitted uses include public utilities; nursing or convalescent homes or homes for the aged; customary home occupations; offices or physicians, dentists, and attorneys at law (Chapter 157, Article V §157-7.B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in Residential (R-2) include: uses permitted in the R-1 Residential district; two-family dwellings; three- or four-family dwellings; customary home occupations; and customary accessory uses or structures (Chapter 157, Article V §157-8.A). Special permitted uses include public utility structures or uses; nursing or convalescent homes or homes for the aged; and offices of physicians, dentists, and attorneys at law (Chapter 157, Article V §157-8.B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in Residential (R-3) include: uses permitted in the R-2 Residential District; multiple family residences; and nursing or convalescent home or homes for the aged (Chapter 157, Article V §157-9.A). Special permitted uses include public utility structures or uses; nursing or convalescent homes or homes for the aged; and offices of physicians, dentists, and attorneys at law (Chapter 157, Article V §157-9.B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in the Agricultural (A) District include: uses permitted in the R-1 Residential district and farms; two-family dwellings and mobile homes; boarding or rooming houses; picnic groves; fish or game clubs; grange halls; clubs; public utility buildings, stations or structures; private and organized camps; public camps or campsites; public parks, forests, or recreation areas; forest practices; customary accessory uses; and farms (Chapter 157, Article V §157-10.A). Special permitted uses include processing plants for farm or food products; sand, gravel or rock quarries, or processing of such materials, mobile home courts; and offices of physicians, dentists, and attorneys at law (Chapter 157, Article V §157-10.B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in the Commercial (C-1) District include: retail stores; banks and savings or loan institutions; restaurants or other places for serving food or beverages; motels or hotels; personal services, such as barber shops, beauty parlors, tailors or shoe repair shops; coin-operated laundries or dry cleaners/pick up stations; household

appliance sales or services; funeral homes; social, recreational or fraternal clubs/ski lodges; business or professional offices; municipal or public-utility structures or uses; automobile, boat, mobile home or trailer sales/rental, including accessory service; bowling alleys or theaters; customary accessory buildings or uses; and business signs (Chapter 157, Article V §157-11.A). Special permitted uses include drive-in food service establishments; gasoline service stations; commercial recreation, including golf driving ranges, miniature golf, par-3 golf courses or trampoline centers (Chapter 157, Article V §157-11.B). Uses prohibited include residential apartments on the first floor of structures in said C-1 Commercial District (Chapter 157, Article V §157-11.C).

Permitted uses in the Commercial (C-2) District include: uses permitted in the C-1 Commercial district; drive-in food service establishments; laundry or dry-cleaning shops, fruit or vegetable markets; farm implement sales or services; public garages; heating, plumbing, air-conditioning, electrical, cabinet or similar hand-fabrication shops; printing or publishing establishments; public-utility stations, structures, or uses; radio, television or household appliance sales or services; commercial recreation, including golf driving ranges, miniature golf, par-3 golf, trampoline centers or amusement parks; customary accessory uses; animal hospitals, commercial kennels, or animal pounds; and business signs (Chapter 157, Article V §157-12.A). Special permitted uses include truck terminals and offices of physicians, dentists and attorneys at law (Chapter 157, Article V §157-12.B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in the Manufacturing (M-1) District include: uses permitted in the C-2 Commercial district; lumber feed or fuels sales/storage; warehousing and distribution; laundry or dry-cleaning plants; development or research centers; machine shops; welding or metal-craft shops; accessory buildings or uses; and business signs. Permitted manufacture assembly, processing or treatments include textiles, leathers, or plastics; candy or cosmetics; pharmaceutical or food products; electrical precision, surgical, dental or musical instruments; toys or novelties; paper, plastic, metal, stone or wood products from previously prepared materials; and asphaltic concrete (Chapter 157, Article V §157-13.A). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in the Planned Historical (P-H) District include: residences, farms, historic buildings and sites, antique sales, restaurant, motel, church, and historical tourist attractions (Chapter 157, Article V §157-14.A). The five floating Planned Development Districts (PDD) intend to provide a means for the development of residential, business, commercial, manufacturing or recreational subdivisions, or combination of thereof, in which economies may be utilized by the developer while maintaining scale, creative architecture, or spirit (Chapter 157, Article V §157-15). Criteria for properties to be considered for the PDDs are listed in Chapter 157, Article V §157-15.

Village of Fort Plain

Zoning regulations were adopted in the Village of Fort Plain in 1995. This law establishes eight zoning districts: Residential (R-1), Residential (R-2), Residential (R-3), Agricultural (A), Commercial (C-1), Commercial (C-2), Manufacturing (M-1), and Planned Historic (P-H). This law establishes five floating Planned Development districts: Planned Residential, Planned Business, Planned Commercial, Planned Manufacturing, and Planned Recreational (Chapter 192, Article III §192-5.A).

Permitted uses in Residential (R-1) include: existing family dwelling; one-family dwelling; existing two-family dwelling; public or parochial school; church, parish house or convent; public work or playground; water reservoir or standpipe; farm and accessory buildings and uses; customary accessory use or structure; and cemetery (Chapter 192, Article IV §192-7.A). Special permitted uses include public utilities; nursing or convalescent homes or homes for the aged; customary home occupations; offices or physicians, dentists, and attorneys at law (Chapter 192, Article IV §192-7.B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in Residential (R-2) include: uses permitted in R-1 Residential district; two-family dwellings; three- or four- family dwellings; customary home occupations; and customary accessory uses or structures (Chapter 192, Article IV §192-8.A). Special permitted uses include public utility structures or uses and nursing or convalescent homes for the aged (Chapter 192, Article IV §192-7.B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in Residential (R-3) include: uses permitted in the R-2 District; multiple family residences; and nursing or convalescent or home for the aged (Chapter 192, Article IV §192-9.A). Special permitted uses include public utility structures and mobile home courts (Chapter 192, Article IV §192-9.B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in the Agricultural (A) District include: uses permitted in the R-3 district; two-family dwellings; picnic groves; fish or game clubs; grange halls or clubs; public utility buildings; fire stations or structures; private camps; organized camps; public parks; forest or recreational areas; public camps or campsites; forest practices; and customary accessory uses (Chapter 192, Article IV §192-9.A). Special permitted uses include processing plant for farm or food products; sand, gravel, rock quarry or processing of such materials; and mobile home courts (Chapter

192, Article IV §192-10.B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in the Commercial (C-1) District include: uses permitted in the Agricultural District; retail stores; bank, savings, or loan institutions; restaurants or other places for serving food or beverages; motels or hotels; personal services such as barbershops, beauty parlors, tailors or shoe repair shops; coin-operated laundry or dry cleaner or pickup stations; household appliance sales or services; funeral homes; social, recreational or fraternal clubs or ski lodges; business or professional offices; municipal or public utility structures or uses; automobile, boat, mobile home or trailer sales/rentals, including accessory services; bowling alleys; theaters; customary accessory buildings or uses; and business signs (Chapter 192, Article IV §192-11A). Special permitted uses include drive-in food-service establishments; gasoline service stations; commercial recreation, including golf driving ranges, miniature golf, par-3 golf courses, trampoline centers (Chapter 192, Article IV §192-11B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in the Commercial (C-2) District include: uses permitted in the C-1 District; drive in food service establishments; laundry or dry cleaning shops; fruit or vegetable markets; public garages; heating, plumbing, air conditioning; electrical, cabinet, or similar hand fabrication shops, printing or publishing establishment, public utility station, structure or use, radio television, or household appliance sales or service, commercial recreation (outdoors), customary accessory uses, animal hospital, commercial kennel or animal pound, business sign and farm implement sales or service (Chapter 192, Article IV §192-12A). Special permitted uses include drive-in food-service establishments; gasoline service stations; commercial recreation, including golf driving ranges, miniature golf, par-3 golf courses, trampoline centers (Chapter 192, Article IV §192-12B). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in the Manufacturing (M-1) District include: uses permitted in C-2 District; lumber feed, fuel sales or storage; warehousing and distribution; laundry or dry-cleaning plants; development or research centers; machine shops; welding or metal craft shops; accessory building or uses; and business signs. Permitted manufacture assembly, processing or treatment includes textiles, leather, and plastics; candy, cosmetics; pharmaceutical or food products; electrical, precision, surgical, dental, or musical instruments; toys or novelties; paper, plastic, metal, stone or wood products from previously prepared materials; and asphaltic concrete (Chapter 192, Article IV §192-13A). There are no special permitted uses, and there are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

Permitted uses in the Planned Historical (P-H) District include: residences; farms; historical buildings and sites; antique sales; restaurants; motels; churches; and historical tourist attractions (Chapter 192, Article IV §192-14A). There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses.

The five floating Planned Development (PDD) Districts intend to provide a means for the development of residential, business, commercial, manufacturing or recreational subdivisions, or combinations thereof, in which economies of scale or creative architectural or planning concepts may be utilized by the developer without departing from the spirit and intent of the zoning chapter. Criteria for properties to be considered for the PDD are listed in Chapter 192, Article IV §192-15.

Village of Palatine Bridge

Zoning regulations were adopted in the Village of Palatine Bridge on July 17, 2018. This law establishes six zoning districts: Residential 1, Residential 2, Agricultural, Commercial, Manufacturing, and Mobile Home Parks. This law establishes one overlay district: Historic Overlay District (Zoning Law, Article III §4).

Permitted uses in Residential (R-1) District include: one-family dwelling (except mobile home unless farm), church, parish house, or convent, public building or library, community park or playground, public or private school, college, customary accessory use or building, mobile home as part of farm operation as accessory use only, family or group family daycare home as accessory use, and outdoor furnace as accessory use. Special permitted uses include public utility stations or structures; nursing homes, hospitals, assisted living facilities, senior housing; accessory dwelling unit (not mobile home); customary home occupation; bed and breakfast establishments; pleasure horses; and small wind energy facilities. There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses ((Zoning Law, Article III §6).

Permitted uses in Residential (R-2) District include: uses permitted in the R-1 District, two-family dwelling, multiple family dwelling, and townhouses or condominiums. Special permitted uses include public utility stations or structures; nursing home, hospitals, assisted living facilities, and senior housing; accessory dwelling units (not mobile homes); customary home occupations; bed and breakfast establishments; pleasure horses; and small wind energy facilities. There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses (Zoning Law, Article III §7).

Permitted uses in the Agricultural (A) District include: uses permitted in the R-1 and R-2 districts; farms, nurseries or farm stands; private or public camps; picnic groves; fish or game clubs; public utility stations or structures; customary agricultural operations; customary accessory uses or buildings; public parks, forests, or recreation areas; and forest practices. Special permitted uses include kennels; processing plants for farm or food products; sand, gravel, and rock quarries or processing of such materials; ground mounted racks and freestanding solar collectors as an accessory use. There are no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses (Zoning Law, Article III §8).

Permitted uses in the Commercial (C-1) District include: existing dwellings; retail store or shops; personal service shops; launderette or dry cleaning plants; banks; restaurants; motels or hotels; bowling alleys; funeral homes; public utility substations or structures; wholesale storage or warehouses; light manufacturing; bakeries or confectionaries; printing, letterpress shops or publishing plants; radio, television or household appliances sales and services; automobile, boat, farm implement, mobile home or trailer sales rental with indoor service only; fuel feed, lumber, seed, fertilizer, construction or building materials sales or storage; cabinet, electrical, heating, plumbing or air conditioning shops; gasoline station or public garage; veterinary, animal hospital or kennels; wholesale businesses; professional offices; shopping centers; child day care centers; fraternal order or social club or lodges; outdoor theaters; motor vehicle sales and services; transportation services, and auto/truck rentals. There are no special permit uses and no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses (Zoning Law, Article III §9).

Permitted uses in the Manufacturing (M-1) District include: uses permitted in the C-1 District; tool, die, pattern, or machine shops; manufacture or processing of food products; manufacture of paper products; manufacture or assembly of electrical or electronic devices or instruments; cold-storage plant; accessory uses; research and development centers; warehouse/distribution centers; self-storage units; manufacture or fabrication of textile or leather goods, metal, concrete, stone, plastic, paint fiber, wood products, candy, cosmetics, pharmaceutical or food products, electrical precision, surgical, and dental or musical instruments, toys or novelties; and welding and metalcraft shops. There are no special permit uses and no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses (Zoning Law, Article III §10).

Permitted uses in the Mobile Home Parks (MHP) District include: mobile homes; community parks or playgrounds; customary accessory use or buildings; and outdoor furnaces as accessory uses. There are no special permit uses and no explicitly prohibited uses; however, no building or premises shall be used, and no building shall be erected or altered except for one or more of the permitted uses (Zoning Law, Article III §11).

The Planned Historical (P-H) Overlay District intends to preserve the architectural and landscape style of the surrounding structures built before, during, or shortly after the Civil War. The requirements of the underlying zoning district shall apply within the Historic Overlay District, unless the provisions set forth in the Planned Historical Overlay District are deemed more stringent than the underlying requirements. There are no permitted uses, special permit uses and no explicitly prohibited uses listed for the Planned Historical Overlay district, thus the permitted uses, special permitted uses, and prohibited uses of the underlying zoning district apply (Zoning Law, Article III §12).

Village of Nelliston

No zoning regulations have been adopted in the Village of Nelliston.

(e) Comprehensive Plans

The proposed Facility is located in the Town of Canajoharie and the Town of Minden in Montgomery County, New York. The Town of Canajoharie adopted a comprehensive plan in 1992. The Town of Minden drafted a comprehensive plan in 2012. Montgomery County does not have a comprehensive plan.

Town of Canajoharie

The Town of Canajoharie adopted a Comprehensive Plan in 1992 to serve as a foundation, upon which the Town Board and the Planning Board can prioritize future development objectives. The Comprehensive Plan features information describing the existing characteristics of the Town, including information on land use, housing, roads and highways, and community facilities. The document then addresses general planning objectives for land development, streets and highways, and community facilities. The Town Comprehensive Plan also lays out specific recommendations for development policies, public utilities, and a group of projects along with related capital programming. These recommended projects fit in the following categories: highway and related equipment, refuse disposal, and parks and playgrounds.

Of relevance to the proposed Facility is the Land Development Plan section of the Comprehensive Plan. In this section, the following overall land use objectives are described:

1. Contain and direct future residential growth into areas where utility services such as water and sewers can be furnished.
2. Relocate Route 10 along Old Sharon Road.
3. Reserve areas with good agricultural soils for agricultural use.
4. Provide for cooperative development of Canajoharie Gorge and Wintergreen Park, with the Village

5. Develop a public equestrian and hiking trail system in the rural area of the Town.
6. Reserve areas of excessive slope, or subject to flooding, to preclude them from being developed.

The plan does not specifically discuss solar energy development, nor does it discuss other sources of renewable energy. Nevertheless, the proposed Facility is consistent with the goal of reserving areas of excessive slope or flooding from being developed. The Facility also reserves areas with good soils for agricultural use (for more discussion on how the Facility protects productive farmland, see 1001.4(q)). The Facility will result in minimal impacts to wetlands (see Exhibit 22) and will not affect any floodplains. The Facility will largely be located on flat areas or areas of gentle rolling hills. For more information on how the proposed Facility protects the viability of existing agricultural practices, see discussion in 1001.4(q). The Town of Canajoharie's 1992 Comprehensive Plan will be provided in a digital format with the filing of this Application.

Town of Minden

In 2012, the Town of Minden formally adopted an update of its 2000 Comprehensive Plan. This update serves as more current foundation upon which the Town Board and the Planning Board can prioritize future development objectives. The plan consists of an outline of the community strengths and weaknesses, a vision and description of goals to achieve that vision, a strategy that the Town can take in the future to accomplish each goal. The plan also features a profile and inventory of local resources along with public input describing current conditions as of 2009 through 2011. The Comprehensive Plan update describes a vision to preserve the rural, historical, and agricultural heritage and character of the community, while carefully balancing opportunities for small businesses, planned commercial uses, high quality infrastructure, and new technologies so that people from all ages and income levels can have an attractive community. Long term goals to reach its vision were updated and include the following:

1. Agriculture: Maintain farming as the primary industry of the Town and promote the preservation of farmland.
2. Rural and Small Town Character: Ensure new development is in conformance with the small town and rural character of the Town. Provide for structures, layouts, signs, and landscaping that are compatible with the Town's character and that are pleasing to visitors and Town residents.
3. Environmental Resources: Preserve and protect natural resources.
4. Economy: Promote small-scale businesses located in appropriate areas, tourism, and tourism-related business, and ensure that new commercial development is consistent with the character and environment of Minden.
5. Infrastructure: Ensure that new infrastructure supports the low-density residential development patterns in Town and reduces rural sprawl as development occurs in the future.
6. Recreation and Cultural Opportunities: Increase recreational and cultural opportunities for all ages.

7. Government Services: Coordinate government services at all levels with surrounding communities, continue to support existing public safety facilities and services, enhance code enforcement, and ensure efficiency in provision government services.

The plan does not specifically identify solar energy development, but the vision statement does embrace alternative energy as a potential opportunity for the Town (Town of Minden Comprehensive Plan, p. 10), and recommends participating in New York State's Climate Smart Communities program as a way to work towards both economic and environmental resource goals. In both a community meeting and a committee meeting, Town residents expressed interest in the future development of solar energy (and other forms of alternative energy), both because of the clean energy that it provides as well as the economic opportunity that it affords farmers (Town of Minden Comprehensive Plan, pgs. 96 and 103).

The proposed facility is consistent with the environmental resources and economic goals of the Comprehensive Plan through its clean energy and high-quality energy infrastructure. The facility will broaden the local tax base, provide local jobs, and promote clean energy infrastructure. Furthermore, it will also provide additional economic resources for local farmers, thereby contributing to the viability of existing agriculture.

The Town of Minden's 2012 Comprehensive Plan Update is available at: <http://townofminden.org/wp-content/uploads/2012/09/Draft-Plan-v6-July-2012-with-water-study1.pdf>

Montgomery County

Montgomery County does not have an adopted comprehensive plan.

(f) Map of Proposed Land Uses

The Applicant has investigated proposed land uses within the Study Area via discussions with State and local planning officials (including inquiring of pending land-use applications), open houses, the public involvement program (PIP) implementation and preliminary scoping statement (PSS) development process, and other sources. No other specific proposed land uses were identified based on that investigation. Specifically, no other proposed solar facilities were identified within the 2-mile Study Area.

The Applicant has identified known development sites in the Study Area (see Figure 4-6). This information is based on publicly available NYSDEC data and public information regarding the proposed redevelopment of the former Beech Nut plant site in the Village of Canajoharie. As shown on Figure 4-6, no known gas wells are located within

two miles of the Facility Site. The 29-acre site of the former Beech Nut facility is currently undergoing site remediation and demolition, as well as the issuance of a request for expressions of interest from community groups and developers.

(g) Map of Specially Designated Areas

Figure 4-7 illustrates specially designated areas, including inland waterways, agricultural districts, and special flood hazard areas within the 2-mile Study Area. Table 4-2 summarizes the sources of data used to prepare these maps and whether the type of area is found within the 2-mile Study Area.

Table 4-2. 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 4-8
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	See Figure 4-7
Flood hazard areas	NYS GIS Clearinghouse, FEMA	See Figure 4-7
NYS Open Space Conservation Plan – Priority Conservation Projects	NYSDEC	See Figure 4-7
Critical Environmental Areas	NYSDEC	None

The Mohawk River flows southeast along the northeastern edge of the 2-mile Study Area and is a designated inland waterway. Special Flood Hazard Areas (SFHAs) are associated with the Mohawk River and several other waterways and water bodies within the 2-mile Study Area (e.g., Bowmans, Otsquago, and Canajoharie Creek). There are no designated coastal areas, Local Waterfront Revitalization Program communities, groundwater management zones, or critical environmental areas in the 5-mile Study Area (NYSDEC 2016a; NYSDEC, 2016b; NYSDOS, 2012; NYSDOS, 2019).

As discussed in Section (a), Agricultural Districts almost entirely cover the Facility Site and 2-mile Study Area. Montgomery County Agricultural District 1 has 50,022 acres, 20,345 acres of which are in the Towns of Minden and Canajoharie and within the 2-mile Study Area. Agricultural District 2 has 48,544 acres, 256 acres of which are in the Town of Palatine and within the 2-mile Study Area. 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 eight-year review. The next eight-year reviews for Montgomery County Agricultural Districts 1 and 2 are 2021 and 2025, respectively (Cornell Institute for Resource Information Sciences, 2011; Montgomery County NY Business Development Center, 2019).

Located within the 2-mile Study Area, the Mohawk River Valley Corridor/Barge Canal is listed as a priority area in the New York State Open Space Conservation Plan. The 2016 plan states that: “priority should be given to protecting significant scenic, cultural, recreational, and natural resources along the Mohawk River in addition to securing river and tributary access parcels that would enhance public enjoyment of these resources” (NYSDEC et al., 2016b). Areas of particular concern in the Mohawk River corridor (.e.g., “The Noses” rock formations) are outside of the 2-Mile Study Area.

(h) Map of Recreational Areas and Other Sensitive Land Uses

Figure 4-8 illustrates recreation and other sensitive land uses known to the Applicant within the 2-mile Study Area. 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 4-8. 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 only.

Table 4-3 summarizes the sources of data used to prepare these maps and identifies whether the land use is found within the 2-mile Study Area.

Table 4-3. 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 and local governments	See Figure 4-8
Wildlife management lands	NYS GIS Clearinghouse, NYSDEC, U.S. Fish and Wildlife Service	None
Forest management lands	NYS GIS Clearinghouse, NYSDEC	None
Conservation easement lands	National Conservation Easement Database; NYS GIS Clearinghouse	See Figure 4-2
State and federal scenic byways	NYSDOT; NYS GIS Clearinghouse	None
Nature preserves	NYS GIS Clearinghouse	None
Designated trails	NYS GIS Clearinghouse and local governments	See Figure 4-8

Mapping Requirement	Source	Recreational and Sensitive Areas Present
Public-access fishing areas, camping areas	NYS GIS Clearinghouse, NYSDEC, Montgomery County	See Figure 4-8
Oil and gas production	NYSDEC	None
Gas pipelines	NYSDEC, NYSDPS	See Figure 4-8
Major communication and utility uses and infrastructure	NYSDEC, Comsearch	See Figure 4-8
Institutional, community and municipal uses and facilities	ESRI; TIGER/line files; NYS GIS Clearinghouse	See Figure 4-8

Appendix 24-A, the Facility’s Visual Impact Assessment (VIA) identifies visually sensitive resources, including recreational and other sensitive land uses that may be visually affected by the Facility. This assessment includes visually sensitive resources of potential statewide significance, as well as a more detailed assessment (including potential locally significant resources), within five miles of the proposed Facility (i.e., the 5-mile Study Area). Aesthetic resources of statewide significance located within the 5-mile Study Area include: 2 landmarks and 31 properties listed on the National Register of Historic Places (NRHP); 2 state-designated heritage areas; 2 Sites, Areas, Lakes, Reservoirs or Highways Designated or Eligible for Designation as Scenic; 7 state-designated trails; and 1 NYSDEC boat launch/waterway access site. Aesthetic resources located in the 5-mile Study Area that may be regionally or locally significant include six villages (Fort Plain, Nelliston, Canajoharie, Palatine Bridge, Ames, and Sharon Springs), eight hamlets (Buel, Marshville, Sprout Brook, Van Deusenville, Freybush, Hessville, Sprakers, and Salt Springville), various recreation trails, one golf club, 7 local parks, 9 interstate or state highways; and numerous public schools.

With the exception of a network of snowmobile trails, the Facility Site does not contain significant recreational facilities. The Facility layout will interfere with segments of existing snowmobile trails. The Applicant will continue to work with landowners and local snowmobiling groups to identify new snowmobile trail routes within or near the Facility Site. The Facility will have no direct impact on the other recreational resources and other sensitive land uses identified in Figure 4-8 (i.e., the resources will not be removed or physically modified in any way). The Facility’s potential effect on these resources could include a change in the visual setting resulting from the introduction of the solar facility. For more information regarding the anticipated visual impacts of the Facility and mitigation measures, see Section (i) and Exhibit 24 of this Application.

Appendix 19-A, the Facility’s Existing Conditions Background Sound Surveys and Sound Emissions Assessment (Hessler Associates, Inc, 2019) identifies sensitive sound receptors, which include residences. These sensitive sound receptors are mapped in Figure 19-1. For more information regarding the anticipated sound impacts of the Facility and mitigation measures, see Exhibit 19 of this Application

(i) Compatibility of the Facility with Existing and Proposed Land Uses

General Compatibility with Existing Land Use

According to the NYSORPS, the Facility Site consists of three distinct land use types. The majority of the Facility Site (approximately 66.6% in terms of acreage) is categorized as Agricultural, which is defined as "Property used for the production of crops or livestock." Agricultural land includes 763 acres of vacant agricultural land (property class code 105) which is included in "vacant land" elsewhere in this report. Vacant land, as classified as 300-level property classification, constitutes approximately 20.8% of the Facility Site and is described as "property that is not in use, is in temporary use, or lacks permanent improvement." Residential land constitutes approximately 12.6% of the Facility Site and is described as "property used for human habitation." Table 4-4 summarizes land use impacts to each of these categories, based on the impact calculations detailed in Exhibit 22.

Table 4-4. Land Use Impacts

Land Use	Acres within the Facility Site	Total Land Use Conversion to Built Facilities (acres)
Agricultural	1,571	524
Vacant	492	155
Residential	298	22
Total	2,361	701

Note: Areas considered to be converted to built facilities for the purposes of assessing impact to land use are the fenced PV arrays, substation, switchyard, and O&M building fenced footprint.

No substantial permanent changes in land use are anticipated because of Facility construction and operation, and no changes are predicted outside the Facility Site. The presence of the fenced PV panel arrays substation, switchyard and the operations and maintenance (O&M) building will result in the conversion of approximately 701 acres (or approximately 30% of the Facility Site) from its current use to energy generation.² 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).

Impacts presented here reflect all areas hosting PV panels and enclosed by fences, in addition to the substation and operations and maintenance building. The Applicant is proposing to include language in their leases with landowners in the Town of Minden to allow for the possibility of using the perimeter fenced area of the Facility Site for sheep grazing. As such, then agricultural use would continue within the perimeter fenced area during the operation of the Facility.

² Note, this acreage is slightly larger than the total permanent impact acreage presented in Table 4-4 as it also includes several small areas that do not have assigned land use codes.

Compliance with NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects

The NYSDAM has promulgated a guidance document that applies to solar power projects sited on agricultural lands. The April 2018 *Guidelines for Agricultural Mitigation for Solar Power Projects* 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 generally comply with NYSDAM agricultural protection guidelines to the maximum extent practicable (see Exhibit 22[q] for a full analysis of the impacts to agricultural land). As per typical NYSDAM requirements, the Applicant and/or Environmental Monitor will consult with NYSDAM during construction if deviation from the *Guidelines* is necessary.

Mitigation measures to protect and restore any agricultural soils within the Facility Site will be undertaken during and after construction and will include full restoration of temporarily disturbed agricultural land according to the *New York State Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Solar Power Projects* (see Exhibit 29; see also New York State Department of Agriculture and Market [NYSDAM] Guidelines in Appendix 4-A). For example, topsoil will not be stripped during saturated conditions when such actions would damage agricultural soils. Existing farm roads will be used for temporary access to farmland to the extent practicable. However, if temporary roads in new locations are necessary, topsoil in the work area will be stripped and stockpiled on the property from which it was removed alongside the area of disturbance with topsoil kept separate from subsoil. All vehicular movements and construction activity will be restricted to areas where topsoil has been removed. All temporarily disturbed agricultural soils will be restored following construction. This process will generally involve the following sequence of activities:

1. Decompaction of compacted subsoils to a depth of 18 inches using a deep ripper or heavy-duty chisel plow.
2. Disking and removal of stones (four inches and larger in size) from de-compacted subsoil.
3. Spreading of stockpiled topsoil over the de-compacted subsoil, and reestablishing pre-construction contours to the extent practicable.
4. Disking and removal of stones (four inches and larger in size) following the spreading of topsoil.
5. Seeding topsoil with seed selection in agricultural fields will be based on guidance provided by the landowner and NYSDAM personnel.
6. Regrading all access roads and restoring original surface drainage patterns or other drainage patterns incorporated into the design, as determined by the Soil and Water Conservation District and the Landowner.

In addition, specific to agricultural land impacted by the Facility, the Applicant will provide a monitoring and remediation period of no less than two years immediately following the completion of initial restoration. The two-year

period will allow for the effects of climatic cycles such as frost action, precipitation, and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase will be used to identify any remaining agricultural impacts associated with construction that need mitigation and to implement the follow-up restoration. General conditions to be monitored include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage, and repair of severed fences. Impacts will be identified by the environmental monitor through on site monitoring of all agricultural areas impacted by construction and through contact with respective farmland operators and NYSDAM.

Facility Consistency with Regional Planning Documents

Each of the host Towns have adopted a Comprehensive Plan, which are described Section (e) above. In addition, there are several regional plans that apply to the area. Facility consistency with these regional plans is discussed in Table 4-5.

In addition to these regional plans, the Facility is consistent with the statewide renewable energy standard as presented in the *Final Supplemental Environmental Impact Statement for the Implementation of a Large-Scale Renewable Program and a Clean Energy Standard*. This analysis examined the impacts in implementing an approximate goal of 15%-20% solar share of the total statewide renewable energy portfolio required to reach a 50% renewable energy goal by 2030. In this analysis, solar energy was acknowledged for its ecosystem services benefits for agriculture, since it requires essentially no water to operate and thus does not pollute water resources or strain water supplies. Notably, statewide agricultural impacts were not listed as a key concern for utility scale solar energy. More details on the potential statewide impacts from solar energy to agriculture in rural communities is discussed in Section (q) of this exhibit.

Table 4-5. Facility Consistency with Regional Planning Documents

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies	Uniform Resource Locator (URL)
New York Open Space Conservation Plan (2016)	<ul style="list-style-type: none"> - Maintain critical natural resource-based industries such as farming, forest products, commercial fishing and tourism. - Address global climate change (through various means). - 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. 	<ul style="list-style-type: none"> - The Facility utilizes a renewable resource to generate electric power without contributing to global climate change. - The Facility enhances the economic viability of participating farms, enabling them to maintain operations. 	None	https://on.ny.gov/2vGiA6W
New York State Historic Preservation Plan (2015-2020)	<ul style="list-style-type: none"> - Enhance collaboration to advance preservation. - Integrate preservation into local and regional decision making. 	<ul style="list-style-type: none"> - The Applicant has coordinated with New York State Office of Parks, Recreation and Historic Preservation to develop site-specific work plans. - The Applicant has integrated design and field work to avoid impacts to cultural resources (see Exhibit 9) 	None	https://on.ny.gov/2BdDtLQ
Statewide Comprehensive Outdoor Recreation Plan (2014-2019)	<ul style="list-style-type: none"> - Reconnect children and adults with nature and recreation by improving access to outdoor recreation opportunities. - Continue to develop a comprehensive, interconnected recreation-way, water trails, greenway and blueway trail system. - Continue efforts to restore, conserve and protect the biodiversity of state lands. 	<ul style="list-style-type: none"> - The Facility does not have any direct impacts on known recreational resources. 	None	https://on.ny.gov/2nADAHX
New York State Office of Parks, Recreation and Historic	<ul style="list-style-type: none"> - Advance a new agency-wide sustainability initiative to adopt green practices 	<ul style="list-style-type: none"> - The Facility is aligned with the plan's stated goal of reducing greenhouse gases 30%. 	None	https://on.ny.gov/2MEzJ7G

Plan	Relevant Goals and Objectives	Facility Consistencies	Facility Inconsistencies	Uniform Resource Locator (URL)
Preservation Sustainability Plan (2009)	<ul style="list-style-type: none"> - Outline a plan to reduce impacts that the agency's daily activities have on natural resources - Adopted a goal of reducing greenhouse gases 30% by 2030 			
New York Rising Countywide Resiliency (NYRCR) Montgomery County Resiliency Plan (2014)	<ul style="list-style-type: none"> - Implement measures to fortify and increase the resiliency of commercial centers and economic drivers - Repair, upgrade and protect existing infrastructure assets and critical facilities from flood damage to reduce their vulnerability 	-The Facility will provide a renewable energy supply that is located outside of the floodplain, and thereby not vulnerable to flooding.	None	http://www.mcbdc.org/files/montgomery_county_resiliency_plan_final.pdf
Montgomery County Agricultural and Farmland Protection Plan (2017)	<ul style="list-style-type: none"> - Promote economically viable agriculture - Encourage farmland protection - Increase agricultural economic development 	- The Facility enhances the economic viability of participating farms, enabling them to maintain existing operations.	-Some areas within the Facility Site will be removed from agricultural production	http://www.mcbdc.org/files/Montgomery-County-Ag-Plan-November-2017-DRAFT.pdf
Erie Canalway Trail Preservation and Management Plan	<ul style="list-style-type: none"> - The Corridor's natural resources will reflect the highest standards of environmental quality. - The Corridor's economic growth and heritage development will be balanced and self-sustaining. 	<ul style="list-style-type: none"> - The Facility encourages quality standards of environmental stewardship - The Facility represents economic development that balances local economic viability with renewable energy development. 	None	https://eriecanalway.org/resources/preserve-plan
Mohawk Valley Regional Sustainability Plan	<ul style="list-style-type: none"> - Increase renewable local energy generation and use for electricity and heat 	The Facility is aligned with the plan's stated goal to promote solar to generate electricity and reduce fossil-fuel-generated electricity use.	None	http://www.sustainablemohawkvalley.com/

Qualitative Assessment of Impacts to Land Use

The construction and operation of the Facility will result in certain unavoidable impacts that could affect land use. Most of these impacts will result from construction activities and will be temporary in nature. For example, although the Facility will not generate any unusual odors, there could be brief periods during construction where airborne dust levels could be elevated. Dust control procedures will be implemented to minimize the amount of dust generated by construction activities in a manner consistent with the Standards and Specifications for Dust Control outlined in the *New York State Standards and Specifications for Erosion and Sediment Controls* (NYSDEC, 2016b, pp. 16-17). See Exhibit 12 for additional information on potential dust-related impacts and control measures. Also, the project may result in temporary impacts relating to stormwater discharges from the construction site. To address these impacts, the Applicant will develop and implement a SWPPP and otherwise comply with the requirements of NYSDEC's State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activities. See Exhibit 23(c) for an additional discussion of stormwater issues; a Preliminary SWPPP can be found at Appendix 21-B.

During construction of the proposed Facility, there will be a temporary increase in truck traffic on area roadways. A Route Evaluation Study was prepared to evaluate existing transportation conditions near the Facility Site and identify probable local traffic routes, constraints, and proposed improvements (see Appendix 25-A). This study determined that local traffic may experience minor delays due to slow moving construction vehicles and increased traffic related to the construction activities. However, local traffic flow should not be significantly impacted because existing traffic volumes are already low and traffic routes were identified to reduce impacts. To minimize any delays to local traffic during the construction phase, the Applicant will coordinate with the State, the County, and local municipalities to respond to any locations that may experience any traffic flow or capacity issues. See Exhibit 25 of this Application for more detailed information on traffic and transportation impacts from construction of the proposed Facility.

Long-term unavoidable impacts associated with operation and maintenance of the Facility are anticipated to be relatively limited but will likely include PV panel visibility, as well as very minor increases in traffic. Each of these impacts is discussed briefly below, with reference to the more detailed discussions found elsewhere in this Application.

Solar energy projects do not result in the visual impacts comparable to other large-scale energy projects, due to the low profile of the PV panels (i.e., typically lower than 10 feet in height). However, the presence (i.e., visibility) of the solar PV panels will likely result in a change in perceived land use from some viewpoints. The VIA (Appendix 24-A) identifies those locations within the 5-mile Study Area where there is potential for the proposed Facility to be seen from ground-level vantage points. Topography and vegetation block daytime views of the Facility from approximately

87.5% of the 5-mile Study Area (i.e., the Facility is likely to be visible from 12.5% of the 5-mile study areas). Appendix 24-A also describes visibility impacts on the sensitive sites listed above. The analysis presents the distance to the PV panels for each visually sensitive resource, along with results from the topographic and vegetation viewsheds, and identifies photographs taken from recreation sites and other sensitive areas during the field review.

Evaluations by registered landscape architects indicate that, while appreciable to strong contrast is likely from some viewpoints, the overall contrast presented by the Facility will likely be moderate. The greatest perceived visual impact will likely occur where numerous panels are visible, where the panels are in proximity to the viewer, or where the panels appear out of place in their setting (e.g., in a residential context). Factors mitigating visual impact within the study area include, 1) the rolling topography that limits the number of panels visible from valley locations, 2) the relatively few viewers present on the elevated plateaus and ridgetops where views of numerous panels and near foreground views will be available, 3) the substantial screening provided by existing foreground landscape features in forested areas and areas of concentrated human settlement, 4) the working agricultural character of much of the landscape in which the Project would be viewed, and 5) the planting plan that has been developed by the Applicant to minimize the visual effect of the Facility. For more information on Facility visibility and the anticipated visual impacts of the Facility, see Exhibit 24 of this Application.

A Sound Emissions Assessment has been prepared for the proposed Facility (see Appendix 19-A). This study indicates that in comparison with all other types of power generation facilities, the potential for any kind of community sound impact from a PV solar energy project is almost non-existent. The only potential source of sound is confined to the step-up transformer in the new substation, electrical inverters within the various solar panel fields and some short-lived activities during construction. Additionally, solar facilities have the unique characteristic of only operating during daylight hours, when sound is much less likely to be an issue in the first place. There are no vibration issues associated with the operation of such a facility.

With respect to traffic, once the Facility is commissioned and construction activities are officially concluded, traffic will be negligible and likely concentrated around the O&M building. None of the potential traffic impacts are expected to affect the use and enjoyment of the Facility Site and surrounding areas for the current and planned land uses. See Exhibit 25 of this Application for more detailed information on traffic and transportation impacts from operation of the proposed Facility.

Assessment of Nearby Land Uses of Particular Concern to Community

Land uses of concern to the community include residential areas, schools, civic facilities, recreational facilities, commercial areas, and open space located within one mile of the Facility. The "ASH Nestle Road" Amish School is

located in a parcel adjacent to the Facility (see Figure 4-8). There is a second Amish School “ASH County Route 84” located on Buel Road, within one mile from the Facility. The only recreational facility located within one mile from the Facility is the Canajoharie Country Club. As no other recreational facilities, civic facilities, or commercial areas will be located within one mile of Facility components, no significant impacts to these land uses are anticipated. Within the Facility Site, conversion of areas classified as residential by the NYSORPS will total 22 acres.

(j) Compatibility of Above-Ground Interconnection with Existing and Proposed Land Uses

The proposed Facility will connect the collection and POI substations using an approximately 200-foot-long aboveground transmission/gen-tie line. Otherwise, the Applicant intends to install underground collection lines. The aboveground lines will be located solely at a developed section of the Facility Site (i.e., the substations) and so will have minimal environmental impact. There is a limited amount of tree clearing and site preparation required to tie into the existing electrical systems. The potential effects on visibility resulting from the short segment of overhead transmission, or gen-tie, line are described in Exhibit 24 and Appendix 5-B.

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

The Facility will include approximately 25 miles of underground collection lines. A total of 639 acres will be located within 300 feet of the centerline of underground collection lines and related facilities, of which approximately 12 acres (1.9%) 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 627 acres has been classified by the NYSORPS as follows: Agriculture, 316 acres (49%); Vacant Land, 214 acres (33%); Residential, 84 acres (13%); Public Services, 10 acres (2%); Wild, Forested, Conservation Lands, and Public Parks, 3 acres (>1%); and Community Services 0.1 acre (>1%). Approximately 608 acres (95%) 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 the continued use of the current adjacent land uses.

The construction of buried interconnects will result in a temporary disturbance. As discussed in Section (i) above, in agricultural fields, construction will generally be conducted in accordance with the NYSDAM Guidelines for Agricultural Mitigation for Solar Power Projects (Revision April 19, 2018). Therefore, permanent land use impacts associated with underground interconnects are not anticipated. To minimize impacts in forested and agricultural land, buried underground interconnects will be placed in areas of existing disturbance (e.g., existing farming roads) to the maximum extent practicable. Where impacts to important environmental resources would otherwise be unavoidable (e.g., stream crossings), subsurface bores/horizontal drilling will be used to minimize impacts.

(l) Conformance with the Coastal Zone Management Act

The Facility Area 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.

(m) Aerial Photographs

Figure 4-9 contains aerial photographs within a 1-mile radius of the Facility that will be included with the Article 10 Application. This mapping was prepared using 0.5-meter resolution natural color orthoimagery from the USDA's National Agriculture Imagery Program ("NAIP") captured during the 2017 growing season.

(n) Aerial Photograph Overlays

Figure 4-9 illustrates the Facility components along with the proposed limits of vegetation and soils disturbance overlaid on 0.5-meter NAIP imagery captured in the 2017 growing season. These maps were created using ArcGIS software. Line symbols are used to depict the centerlines of proposed access roads and electrical collection lines and polygon symbols to depict panel area, substations, the O&M building, and construction laydown areas. Buffers around each Facility component show the limits of clearing and disturbance required, as described in Exhibit 22.

(o) Source of Aerial Photographs

As previously noted, Figure 4-9 was prepared using 0.5-meter resolution natural color orthoimagery from the USDA's NAIP captured during the 2017 growing season.

(p) Community Character

The Facility is proposed to be located in a rural area of Montgomery County, which is characterized by a mix of agricultural and forested land. The population of Montgomery County was estimated to be 49,258 in 2017. Land use within Montgomery County is dominated by agriculture, residential land, and vacant land (NYSORPS, 2017). In 2012, Montgomery County produced between \$60 million and \$100 million in agricultural sales, a moderate amount in comparison to other counties throughout New York State (NYS Office of State Comptroller, 2015). According to the Montgomery County Agricultural and Farmland Protection Plan, land with agricultural uses in Montgomery County comprise approximately 136,440 acres or 54% of the county's land mass. The County's Agricultural and Farmland Protection Plan was approved by the NYS Department of Agriculture and Markets on January 4, 2019 (<https://www.agriculture.ny.gov/ap/agsservices/PlanningGrantListCounty.pdf>).

The most common active agricultural land uses in Montgomery County include dairy farms (38,922 acres) and field crops (29,678 acres), which collectively make up 50% of the agricultural land in the County (EDR 2017). The County is also noted for its sheep, goat farms and bee-keeping (NYS Office of State Comptroller, 2015). In addition to these active agricultural uses, vacant land (300-level property classifications) and vacant but productive farmland (property class 105) comprise 33 percent of the area in the County, accounting for more than 82,500 acres (NYSORPS, 2018). These vacant parcels are scattered throughout the County, and productive vacant farmland may be intentionally left fallow or as uncultivated fields. Many farmers permit private hunting on these lands during the hunting seasons, as with many rural areas throughout the state. Residential uses that are part of a farm account for slightly more than 12 percent of agricultural uses in the County (EDR 2017).

The agricultural rural character of the County parcels generally depicts a similar character to the Facility Site. Of the approximate total 2,360 acres that comprise the Facility Site, much of the area is used as agricultural land (79%, or 1,868 acres). As demonstrated in Table 4-6, relative to Montgomery County agricultural land area, the Facility Site's agricultural land area contains similar proportion of dairy farms and rural residential with agricultural production. The agricultural land within Facility Site features a slightly higher portion of vacant agricultural land and cattle, horse, or poultry farms than the County's agricultural land. The agricultural land within the Facility Site features a lower proportion of field crops and other agricultural uses than the County's agricultural land. The remaining area within the Facility Site has been assessed as vacant land. There is a slightly higher amount of land (492 acres, 21% of Facility Site land use) classified as vacant as compared to the County's vacant lands with 300-level property classification (40,219 acres or 16% of all county land use). A more detailed analysis of vacant land within the Facility Site is provided in 1001.4(a).

Table 4-6. Comparison of Agricultural Land Uses between Facility Site and Montgomery County

Existing Agricultural Uses	Property Class	County Agricultural Uses		Facility Site Agricultural Uses	
		Acres	%	Acres	%
Vacant agricultural	105	42,354	31%	763	40.8%
Dairy Farming	112	38,922	28.5%	522	27.9%
Field Crops	120	29,678	21.8%	84	4.5%
Rural residential land with agricultural production	241	16,569	12.1%	297	15.9%
Cattle, horse, or poultry	113,117, and 111	3,915	4.2%	202	10.8%
Other agricultural uses ¹	See note below	3,254	2.4%	0	0%
Total Agricultural Land	N/A	134,692	100%	1,868	100%

¹Other agricultural uses and their property classes include Abandoned Agriculture (321), Agricultural (100), Bee Products (115), Berry/Others (160), Fruit Crops (151), Livestock (110), Nursery (170), Other Stock (116), Sheep Farm (114), Vineyard (152), and Exotic Livestock (184)

In addition to its consistency with the rural agricultural character in terms of land use, the Facility is also consistent with the surrounding agricultural goals of the area to protect productive agricultural soils, as specified by both the Towns of Minden and Canajoharie Comprehensive Plans as well as the Montgomery County Draft Agricultural and Farmland Protection Plan. Approximately 2,330 acres of the 2,361-acre Facility Site (99%) are enrolled as NYSDAM certified agricultural districts, mirroring the high level of participation throughout the County (approximately 70% of the County is included in the program). The Facility will convert 694 acres of agricultural district land within the Facility Site to build facilities (as described in Table 4-4). In terms of impacts to productive farmland, Areas of Conversion in land use average 52.0 out of 100 in Crop Productivity Index (CPI) ratings (weighted by area). Meanwhile, the Facility Site as a whole averages 52.9 out of 100 in Crop Productivity Index (CPI) ratings (weighted by area). Thus, in relation to the broader area within the parcels hosting the Facility, the lands to be converted as part of the Facility are on average very slightly less productive (AcreValue 2019). Compared with the surrounding agricultural land within the 5-Mile Study Area, which has CPI range between approximately 29 to 62 out of 100, the Facility will occur on soils of in the higher end of the range of productivity. According to the Web Soil Survey as reported by AcreValue, the average CPI rating of Montgomery County is 46. Although this land will be taken out of agricultural use, lease payments paid to participating farmers will improve the long-term economic viability of those farms. These payments will likely have indirect positive effects on the agricultural character of the community by increasing farm profitability and thereby preserving normal farm operations. The Applicant is proposing to include language in their leases with landowners in the Town of Minden to allow for the possibility of using the perimeter fenced area of the Facility Site for sheep grazing. As such, then agricultural use would continue within the perimeter fenced area during the operation of the Facility. See Section (q) of this Exhibit for a further discussion of impacts to agricultural viability, including a look at past trends, recent shifts in the demographics of farming with the local resurgence in farming from the arriving Amish community, and an assessment forward of the minimal impacts that a solar Facility is likely to have on agricultural viability, amidst various facets of the agricultural economy.

The Town of Canajoharie, which will host approximately 64.5% of the Facility's proposed 90.5 MW capacity, has adopted regulations to promote the effective and efficient use of the local solar resource by explicitly allowing solar panels as a permitted use with site plan review as well as adopting a model solar ordinance (Solar Energy Systems Rules and Regulations, set forth by Local Law No. 2 of 2017). This law reflects a determination by the Town that solar energy facilities are consistent with existing community character. The Town of Minden also adopted a model solar ordinance (Solar Energy Systems Rules and Regulations, set forth by Local Law No. 1 of 2017). This law reflects a determination by the Town that solar energy facilities are consistent with existing community character. In both towns, solar permits are issued by the Town Board following a determination that a use is compatible with the community.

The Facility will introduce new visual elements (i.e. solar panels) into the existing landscape, which could be considered a change in community character for the primarily agricultural and rural residential areas that surround the Facility Site. However, the visibility and visual impact of the solar panels will be highly variable based on distance, number of panels in view, weather conditions, sun angle, extent of visual screening from topography and vegetation, scenic quality, viewer sensitivity, and/or existing land uses. See Section (i) of this Exhibit, Exhibit 24, and Appendix 24-A 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 residential development.
- Locating access roads and panels to avoid or minimize disturbance of agricultural land, wetlands, streams, and cultural/historic resources.
- Using existing roads for panel access whenever possible to minimize disturbance to agricultural land, wildlife habitat, wetlands, and streams.
- Burying electrical interconnection lines between Facility components.
- Installing the planting plan developed by the Applicant 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.
- Consulting with various stakeholders to determine visually-sensitive resources and incorporate questions and concerns.

There are also numerous Facility-specific studies attached to this Application, such as a Visual Impact Assessment (see Appendix 24-A), Existing Conditions Background Sound Surveys and Sound Emissions Assessment (see Appendix 19-A), and Cultural Resources Studies (see Appendices 20-A through 20-D). 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.

(q) Agricultural Viability

Over the last 20 years, agricultural lands in Montgomery County have undergone a variety of shifts. According to the *2017 Montgomery County Agricultural Protection Plan*, the number of farms recorded in the county in 2012 (the time of the most current Census of Agriculture) has increased in recent years and is at the highest total since 1987. The

plan at least in part attributes this increase in operations to Amish farmers and their families, who have brought inactive farmlands back into production.

The resurgence of agriculture throughout Montgomery County can be measured since 2007 by the following metrics: an increase in the total land in agricultural use (+ 5.5%), an increase in the number of farms (+9%), an increase in crop sales (+74.2%), an increase in livestock sales (+6.6%), an increase in total value of products sold (+17.9%), and an increase in the average value per farm (+8.1%) (USDA 2012 Census of Agriculture as reported in the 2017 Montgomery County Agricultural Plan). Between 2007 and 2012, the average operator age slightly decreased from 57.2 years to 56.2 years, indicating the recent arrival of more young farmers in the County. These recent growth trends were verified in conversation with the Montgomery County Soil and Water Conservation District in November 2018).

The recent upward trends in Montgomery County, despite it being a positive trend for the area, is tempered by the long-term struggles of agriculture, both nationwide and countywide, in terms of decreasing farm sizes and aging farm operators. In 1999, according to the Montgomery County Agricultural Plan, it was estimated that approximately 52% of the County was in farming. As of 2017, that number decreased to 47% of all land use. In addition to a long-term decrease in the total area, the average farm size has also decreased from 244 acres in 2002 to 199 acres in 2012 (2017 Montgomery County Agricultural Plan). Over that same 10-year period, the average age of principal operators increased from 55.2 years to 56.2 years, indicating an overall aging population. With its long-term challenges such as loss in farmland, decreasing farm size, and aging operators, Montgomery County faces similar challenges as agricultural areas statewide and nationwide, despite its recent increase in agricultural activities and an upswing in younger farmers.

Table 4-7 presents metrics from the USDA Census of Agriculture that demonstrate this 20-year trend of increasing number of small farms (as well as very large farms) matched with an overall decline in active agricultural land use as measured in acres.

Table 4-7. Recent Trends in Agricultural Land Use Changes within Montgomery County

USDA Census of Agriculture Metric	1997	2017	Change
Number of Farms	542	564	4%
Land in Farms (Acres)	134,940	114,990	-15%
Average Size of Farm (Acres)	215	204	-5%
Average Estimated Market Value of Land and Buildings per Farm	\$402,475	\$506,591	26%
Farms by size			
1 to 9	31	57	84%

USDA Census of Agriculture Metric	1997	2017	Change
10 to 49	67	103	54%
50 to 179	187	221	18%
180 to 499	193	144	-25%
500 to 999	54	23	-57%
1000+	10	16	60%
Total Cropland	104,553 ac	84,494 ac	-19%
Harvested Cropland	84,866 ac	70,918 ac	-16%
Irrigated Land	307 ac	131 ac	-57%
Average market value of agricultural products sold per farm	\$89,894	\$132,906	48%
Farms by value of sales			
Less than \$2,500	110	114	4%
\$2,500 to \$4,999	45	56	24%
\$5,000 to \$9,999	51	67	31%
\$10,000 to \$24,999	69	81	17%
\$25,000 to \$49,999	53	48	-9%
\$50,000 to \$99,999	62	61	-2%
\$100,000 +	152	137	-10%
Number of beef cows	897	1,548	73%
Number of milk cows	17,315	11,992	-31%
Number of hogs and pigs	256	218	-15%
Number of sheep and lambs	1,133	1,280	13%
Selected crops harvested			
Corn for grain or seed (acres)	11,015	7,365	-33%
Corn for silage or green chop (acres)	16,619	9,600	-42%
Oats for grain (acres)	1,592	1,059	-33%

To better understand potential impacts of the Facility specifically on agricultural practices, a survey was administered between December 2018 and February 2019 to all participating landowners hosting Facility components. The purpose of the survey was to determine how the Facility may impact agricultural viability within a 5-mile study area. Potential impacts to agricultural viability were measured by the land available for existing farm operations, rental rates for agricultural lands, and the price of agricultural lands. Thirteen of the fifteen landowners participated in an eight-question survey that was administered by phone, mail, or email, depending on the preference of the landowner. Results of this survey are discussed below. Additional insights are offered based on an extensive interview conducted with Mr. Corey Nellis, District Manager for the Montgomery County Soil and Water Conservation District (SWCD).

Impacts on Land Availability for Existing Farm Operations

Per survey data, landowners within the Facility Site were generally an active group of agriculturalists as of 2018, although there was a small portion that only rented their lands to others or left their lands inactive. Nine of the thirteen respondents stated that they actively practiced agriculture as operators. Within the Facility Site, most survey respondents who currently farmed the land in 2018 reported growing field crops (54% of respondents) and pasture/hay (46% of respondents), followed by a smaller proportion using their land for dairy (15% of respondents), woodlots (15% of respondents), other (15% of respondents), or poultry (8% of respondents). Three of these land owners also rented out land for field crops or hay fields, in addition to using it for their own operations. Three landowners reported that instead of operating the land themselves, they only rented it out to others who actively practice agriculture (either for hay fields or crop fields). Only one of the thirteen responded that the land was inactive in terms of agriculture.

These survey results were supported by interview data provided by Mr. Corey Nellis, District Manager of Montgomery County SWCD, who called the 5-mile area surrounding the Facility Site, “one of the most active agricultural areas in the County”. In this portion of the County, land was commonly associated with dairies, either for a mix of rotational feedstock crops or pasture land. Compared with higher elevation areas of the County (i.e. over 900 feet), lands within the Facility Site can grow corn cost effectively due to the fertile soils along the Mohawk River. Mr. Nellis also reported that the land north of the Mohawk River (i.e. Town of Palatine) was slightly more productive than the southern portion where the proposed Facility would be located. Land in these productive areas north of the Mohawk River were used more for grain and vegetable crops, in addition to large tracts for dairies.

The Facility is anticipated to remove agricultural land from production. Of the approximate 700 acres of Total Land Use Conversion to Built Facilities Area (see Table 4-4), approximately 75% (524 acres) is used as active agricultural lands (i.e. 100 level property classification) while approximately 22% (155 acres) is currently vacant land (i.e. 300 level property classification). These areas will be restored to a state similar to preconstruction conditions after the life of the facility (see Exhibit 29 Site Restoration and Decommissioning). The Applicant is proposing to include language in their leases with landowners in the Town of Minden to allow for the possibility of using the perimeter fenced area of the Facility Site for sheep grazing. As such, then agricultural use would continue within the perimeter fenced area during the operation of the Facility.

Although the Facility is anticipated to remove agricultural land from production, no landowners participating in the survey planned to purchase additional land elsewhere for their operations. Also, of note, no landowners who responded to the survey reported that the Facility would create a major change in their operations. Three of the thirteen respondents reported that they may decrease the amount of rented land on their property due to Facility

construction, however, they themselves would likely continue their current operations. As one respondent stated, *"If I need land, I'll just use what I rented out originally."*

In addition to crops and land for rent, about half of the survey respondents also reported that they offer custom farming services. These include crop harvesting, hauling, haying, storage, and consulting. However, respondents reported that the construction of the facility was not anticipated to impact these custom services, apart from one landowner who occasionally harvested cropland if renters were unable to themselves harvest in time. With that landowner's anticipated reduction in rental land due to the construction of the Facility, this service would no longer be needed. With this reduction of rental land and occasional harvesting offset by long-term lease agreements, the proposed Facility is not expected to impact the financial viability of the landowner to engage in agricultural operations over the lifetime of the Facility.

Impacts on Rental Rates of Agricultural Lands

Survey respondents reported that currently rented land is used primarily for corn, hay/pasture for livestock, field crops. Nearly half of the participating land owners who responded to the survey (46%) rented out parcels within the Facility Site. These rental activities provide a small amount of supplemental income. One survey participant stated, *"You can't make any money renting farmland. It pays the taxes, but you don't get ahead with it."* According to Mr. Nellis of the Montgomery County SWCD, rental rates varied throughout the County, depending on the productivity of the soil. In the areas of the County with higher productivity, rental rates averaged \$75/acre to \$100/acre, while areas with lower quality soils in the upland areas of the County ranged from \$25/acre to \$50/acre. These rental rates have remained relatively stable over the past 15-20 years; however, the SWCD suggested that the amount of farmland for rent has decreased due to the recent increase in Amish operators who have typically purchased land and used it for production, as opposed to renting it out. Depending on the extent of this reduction of rental land, Mr. Nellis of the County SWCD speculated there may be a slight increase in local rental rates in upcoming years.

The extent to which the Facility places strain on the demand for rental land within the 5 Mile Study Area was anticipated by both survey respondents and Mr. Nellis of Montgomery County SWCD to be negligible. While three landowners anticipated the Facility to decrease the amount of their rentable agricultural lands, only one landowner forecasted a total termination of rentable agricultural land. To frame this decision in the eyes of the landowner,

"The only change that I can see now is that the rented land will probably stop... I may end up farming a little bit more, [since] panels will occur on land that is currently being rented. If there is any land leftover from what is planned (and if it makes sense from an acreage and location perspective), it may yet be rented out. Or it could be added for personal operations if that makes more sense from an acreage and location perspective."

Other landowners who were not active operators themselves and instead rented out their lands anticipated a continuation of rental activities. As one such landowner stated, *"We will continue renting it out as possible after the Facility is built."*

Impacts on Price of Agricultural Lands

A large majority of survey respondents (11/13) felt that the construction of the Facility would not impact the price of farmland in the area. Some felt that there was not a lot of pressure for land in the area, while others felt that there were too many other factors to know which way the market will trend (e.g. increased demand from arriving Amish operators mixed with increased supply from retiring farmers). One landowner respondent speculated that the Facility may actually decrease the price of land due to its visual impacts. Another respondent suggested that while the shift from agricultural land use to commercial land use might theoretically increase the price of land, forecasting the exact influence was difficult to determine due to the myriad of external factors. Three respondents reflected upon global influences in the dairy industry and the depressed price of milk to be a larger influencer in property values in comparison to the Facility. The following quotes illustrate the ambivalence in thinking about how the Facility might impact the price of farmland.

- *The whole industry is changing. It is difficult to operate smaller farms (i.e. dairy operations fewer than 100 head), and it is difficult to find people to take the milk. We might see more operations close, but that is independent of this project.*
- *It's very hard to be a dairy farmer. That's why they sold the farm off in the first place within the last 5 years (250 acres out of the 500 acres); this solar facility was seen as the way to keep the remaining half in the family.*
- *I think that the visibility of it may lower prices, if anything, in the immediate area. Within a 5-mile Study Area, I don't think it will make a change.*
- *It would take a lot of pressure to increase the demand for land in our area.*
- *This is going to be a big change for our area. Nobody wants change, but once the dust settles, things are going to be status quo from there on out ...The land that this project has taken up will mean very little to local agriculture.*

Mr. Nellis from the Montgomery County SWCD echoed these sentiments regarding the potential impacts of the Facility on the price of farmland in Montgomery County. Although there has not been significant development pressure on farmland for residential development in the area, there has been an increased demand for land from arriving Amish farmers. Consequently, this has been driving land prices up. Land recently in the area has been going for about \$3000/acre to \$3500/acre. Meanwhile, in the northern area of the County, land has been priced slightly

higher upwards of \$4000/acre. Over the last 3 years, AcreValue data shows an average price of \$2,902.57/acre in the Towns of St. Johnsville, Palatine, Minden and Canajoharie. In these towns, the median price per acre is \$1,861.63, with the highest price paid for one acre at \$41,730.53 and the lowest price paid for one acre at \$7.27 (Granular, Inc., 2019). Mr. Nellis himself had recently reached out to participating property owners to understand more about why they were choosing to lease land for the Facility. In this conversation, he determined that although the Facility does remove land from production, from the landowner's perspective, it allows families to retain ownership to the land while still obtaining revenues. This sentiment was echoed by survey respondents, as evidenced from the following quotes:

-I am a crop farmer and sell crops to other farmers or feed mills. Commodity prices are low, so I'm lucky if I break even on the crops I sell to feed mills. The other crops are sold to dairy farmers, who are in financial distress now....so it is hard to sell to them. [While] the facility will lessen the number of crops I will have to grow and sell, and hopefully with solar renting [my land], my bottom line will improve."

-I personally think the Facility is a good thing. We need clean energy; we can't keep relying on nuclear and coal. I was thinking about retiring but didn't want to give up the farm, and so now we can keep it in our family and pass it along to the 6th generation.

Measures to Avoid and Minimize Impacts to Soils and Adjacent Agricultural Uses

As referenced in Section (i) and Section (p) of this Exhibit, the Facility is compliant with *New York State Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Solar Power Projects* (see New York State Department of Agriculture and Market [NYSDAM] Guidelines in Appendix 4-A). The Applicant is aware that installation of solar equipment on agricultural land will violate the required agricultural use covenants for preferential real estate taxes. The Applicant estimates the one-time five-year rollback penalty for converting this land from agriculture to commercial will be \$162,000, and the ongoing yearly increase due to the change of use of the land will be \$30,000 annually. In both cases, the increased taxes due will be paid by the Applicant. This increase in tax revenue to the local taxing bodies comes with no additional burdens on those taxing bodies and represents yet another positive aspect of solar development in New York State. The Applicant is proposing to include language in their leases with landowners in the Town of Minden to allow for the possibility of using the perimeter fenced area of the Facility Site for sheep grazing. As such, then agricultural use would continue within the perimeter fenced area during the operation of the Facility.

The impacts to agricultural lands for the purposes of providing clean solar energy is also discussed in the *Final Supplemental Environmental Impact Statement for the Implementation of a Large-Scale Renewable Program and a*

Clean Energy Standard, albeit at a statewide level. Consistent with 6 NYCRR §617.9(b)(5)(ii) of SEQRA, utility scale solar energy was evaluated for its impacts on agriculture under an assumption of approximately 15%-20% solar share of the total statewide renewable energy portfolio required to reach a 50% renewable energy goal by 2030. In this analysis, solar energy was acknowledged for its ecosystem services benefits for agriculture, since it requires essentially no water to operate and thus does not pollute water resources or strain water supplies. Notably, statewide agricultural impacts were not listed as a key concern for utility scale solar energy. The analysis estimates that if 100 percent of utility scale solar energy (USSE) projects were to be installed on New York agricultural lands, approximately 0.06 percent to 0.16 percent of agriculture lands would be converted to USSE (NYSDPS 2016, p.5-21). While the EIS does state that USSE projects may result in a cumulative loss of a specific agricultural community's aesthetic, visual, or cultural resources, it is also acknowledged that there are a number of regulations, policies, and best practices that collectively serve as measures to mitigate these adverse impacts to agriculture (NYSDPS 2016, p5-65). As demonstrated throughout this Application, the proposed Facility fits within compliance of these mitigation regulations, policies, and best practices.

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