



Baron Winds Project

Case No. 15-F-0122

1001.4 Exhibit 4

Land Use

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EXHIBIT 4 LAND USE

(a) Map of Existing Land Uses

NYSORPS Land Use Classification

Figure 4-1 illustrates existing land uses within a 5-mile radius of the Facility. This map was prepared using publicly available data from the Steuben County and Livingston County GIS Departments and the classification codes of the New York State Office of Real Property Services (NYSORPS). The following land use classification codes occur within 5 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 990 acres within the Facility Site as Vacant Land. Approximately 646 acres of the vacant land is forested, 165 acres is row or field crops, 112 acres is successional shrubland, 31 acres is successional old field, 21 acres is pasture, 10 acres is disturbed/developed (i.e., characterized by the presence of buildings, parking lots, paved and unpaved roads, lawns, gravel mines, and gas/oil infrastructure), and 4 acres is open water. For additional information about vegetative communities at the Facility Site, see Exhibit 22. Of the 990 acres of Vacant Land, approximately 342 acres are currently enrolled in a NYS Certified Agricultural District, discussed in greater detail below.

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 Steuben County (see Figure 4-2), including two within the Facility Site. One of these easements is in the Town of Fremont, approximately 125 feet from the nearest proposed turbine site, and the second easement is in the Town of Cohocton approximately 0.25 miles from the nearest proposed turbine site. The two easements are held by the U.S. Natural Resources Conservation Service as part of the Wetlands Reserve Program; neither has public access. There will be some visibility of the Facility from portions of these conservation easement lands. However, there will be no direct impacts to the lands or the wetland functions and values protected by the easements.

In addition, the Applicant consulted landowners on the existing use of their land if it was classified as “vacant” by NYSORPS. Of the responses received, respective landowners confirmed their land was vacant and indicated the land was used for hunting and/or other recreational purposes.

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 thinnings, 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 Steuben County, there are no Facility parcels enrolled in the 480-a program.

New York State Agricultural Districts

State-certified Agricultural Districts cover a majority of land within the Town of Cohocton, and large portions of the Towns of Wayland, Dansville, and Fremont. Approximately 6,477 acres (76%) 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. The program covers land and on-farm buildings that contribute to the production of crops, livestock, and livestock products (e.g., field and row crops, orchards, livestock, poultry, Christmas trees, maple sap, apiary products, timber operation, nursery stock and flowers, commercial horse boarding, aquaculture, fur-bearing animals, and woody biomass). The program is based on a combination of landowner incentives and protections, all of which are designed to forestall the conversion of farmland to non-agricultural uses. Although this designation does not wholly restrict substantial changes in land use, it suggests that such changes are unlikely to occur in the near future. Numerous wind farms have been built within Certified Agricultural Districts in New York State, and when appropriately designed and built, such projects are consistent with, and supportive of, agricultural land uses and districts, and allow continued use of farmland for

agricultural production. Table 4-1 summarizes impacts to soils within designated agricultural district lands. The majority of these impacts will be temporary, and subject to restoration activities following construction.

Table 4-1. Facility Impacts to Agricultural District Lands

| District | Acres within Facility Site | Total Soil Impact (acres) | Temporary Soil Impact (acres) | Permanent Soil Impact (acres) |
|--------------|----------------------------|---------------------------|-------------------------------|-------------------------------|
| District 5 | 3,487.1 | 195.2 | 142.4 | 52.8 |
| District 7 | 2,989.7 | 184.4 | 132.8 | 51.6 |
| Total | 6,476.8 | 379.6 | 275.2 | 104.4 |

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 Wind Power Projects* (see New York State Department of Agriculture and Market [NYSDAM] Guidelines in Appendix E). 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. Removal of gravel or other temporary fill.
2. Decompaction of compacted subsoils to a depth of 18 inches using a deep ripper or heavy duty chisel plow.
3. Disking and removal of stones (four inches and larger in size) from decompacted subsoil.
4. Spreading of stockpiled topsoil over the decompacted subsoil, and reestablishing pre-construction contours to the extent practicable.
5. Disking and removal of stones (four inches and larger in size) following the spreading of topsoil.
6. Seeding and mulching topsoil. Seed selection in agricultural fields will be based on guidance provided by the landowner and NYSDAM personnel.

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 are in need of 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 NYS DAM.

Existing Wind Turbines

Within 5 miles of the Facility Site, there are 44 existing wind turbines, which includes 13 wind turbines from the constructed 35-turbine Cohocton Wind Project, all 16 wind turbines from the constructed Dutch Hill Wind Project, and 15 wind turbines from the constructed 27-turbine Howard Wind Project (see Figure 4-1).

(b) Transmission Facilities Map

Figure 4-3 illustrates existing overhead and underground major facilities for electric, gas, and telecommunications within a 5-mile radius of the Facility along with proposed Facility components. This data was obtained from Platts, a division of McGraw Hill Financial, Inc., for use in the required Article 10 mapping. Also depicted are gas and oil wells, based on data obtained from the NYSDEC Division of Mineral Resources, and natural gas and petroleum product pipelines, based on data obtained from the New York State Department of Public Service (NYS DPS).

(c) Tax Parcel Map

Figure 4-4 illustrates existing boundaries of parcels where Facility components will be located, and the boundaries of those parcels within 2,000 feet of 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 Steuben and Livingston County GIS Departments and through consultations with the host Towns.

(d) Zoning District Map

Zoning jurisdiction in Steuben and Livingston Counties is at the city/town/village level. Figure 4-5 illustrates existing and proposed zoning districts within a 5-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 ten towns, five villages, and one city within 5 miles of the proposed Facility: Arkport (Village), Avoca (Town), Avoca (Village), Cohocton (Town), Cohocton (Village), Dansville (Town), Fremont (Town), Hornell (City), Hornellsville (Town), Howard (Town), North Hornell (Village), Prattsburgh (Town), Springwater (Town),

Wayland (Town), Wayland (Village), and Wheeler (Town). A summary of each zoning municipality's regulations is presented below, with a focus on the permitted and prohibited uses in each zoning district located within 5 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.

Village of Arkport

Adopted in 1975, the Zoning Law of the Village of Arkport establishes eight zoning districts: Family Residence (R-1A), Family Residence (R-1B), Multifamily Residence (R-3), Local Shopping (B-1), Shopping Center (B-2), Central Business (B-3), Limited Industrial (I-1), General Industrial (I-2), and Agricultural (Ag). There are no Facility components located within the Village of Arkport. However, all of the zoning districts occur within 5 miles of a Facility component except for I-1, I-2, and B-3.

Permitted uses in the R-1A District include single-family residences, duplexes, churches, parish houses, convents, parks, playgrounds, schools, and accessory uses such as garages, sheds, dog houses, and private swimming pools. Mobile homes are prohibited in the R-1A District. Additional uses allowed in the R-1A District with a special use permit include public utilities and semi-public swimming pools and recreation areas used in conjunction with residential developments. In the R-1B District, mobile homes are permitted, along with all uses, accessory uses, and special uses permitted in R-1A. Permitted principal and accessory uses in the R-3 District are the same as in the R-1B District. Additional uses allowed in the R-3 District with a special use permit include public utilities, private clubs and lodges, funeral homes, mortuaries, multi-family residence structures, professional office buildings located on state or federal highways, and mobile home parks.

Permitted uses in the B-1 District include any nonresidential use allowed in the R Districts, along with retail businesses less than 1,200 square feet, including but not limited to bookstores, drugstores, flower shops, food stores, newsstands, notion stores, restaurants, tobacco stores, variety stores, barbershops, and beauty shops. Outdoor display of products is not permitted. Public utilities are allowed in B-1 Districts with a special use permit. Permitted uses in the B-2 District include all uses permitted in the B-1 District, as well as appliance stores, auto supplies and accessories, banks, camera shops, dry goods stores, furniture stores, fruit markets, hardware stores, ice cream shops, jewelry stores, music stores, optical stores, paint stores, sporting goods stores, apparel stores, shoe repair shops, indoor theaters, assembly halls, laundromats, and dry-cleaning shops. Bars and drive-in restaurants are permitted provided they are located at least 50 feet and 150 feet from any residential district, respectively. Service stations and public utilities are allowed in B-2 Districts with a special use permit.

Permitted uses in the Ag District include single-family residences, single-family mobile homes, agriculture, customary agricultural structures and buildings, nurseries, greenhouses, churches, convents, cemeteries, municipal parks, playgrounds, schools, and accessory uses such as garages, sheds, dog houses, and private swimming pools. Additional uses allowed in the Ag District with a special use permit include public utilities and recreation areas.

Town of Avoca

Zoning regulations were adopted in the Town of Avoca on June 9, 1989, and subsequently amended by local laws in 1998, 2001, 2002, and 2003. The Town is divided into the following six zoning districts: Agricultural-Residential (A), Low Density Residential (L), Waterfront Residential (W), General Business (B), Highway Commercial (C), and Industrial (I). Additional regulations apply within the Flood Plain Overlay (F), which consists of "areas of 100-year flood" delineated by the Federal Emergency Management Agency (FEMA) on Town of Avoca Flood Insurance Rate Maps (FIRM). There are no Facility components located within the Town of Avoca. However, all zoning districts except I and W are located within 5 miles of a Facility component.

The following Permitted Uses are allowable in the districts indicated, contingent on securing a Zoning Permit: one- and two-family residences, mobile homes, modular homes, carports (A, L, W); multifamily dwellings, rest homes, boarding houses, museums, nursing homes, parish houses, commercial stables, meat packing, conservation ponds (A); agriculture, parsonages, houses of worship, day nurseries, libraries (A, L); seasonal dwellings (A, W); essential service, historic markers, monuments, private garages (A, L, W, B, C, I); municipal parks, playgrounds (A, L, W, B); tourist homes, bed-and-breakfasts, outdoor sale/rental displays (A, C); u-picks (A, B, C, I); antique stores, gift shops, restaurants, second hand stores (A, L, B, C); convenience businesses (B, C); hardware stores (A, L, B); laboratories, professional offices (A, B, C); liquor stores, taverns (B); motels, hotels, service stations (C); automotive storage yards, wholesale produce (A, C, I); wood products manufacturing (I); private pools and private tennis courts (A, L, W, C); and boat houses, docks (L).

The following Special Uses are allowable in the districts indicated, contingent on securing a Special Permit: one- and two-family residences, mobile homes, modular homes, day nurseries, carports (B, C, I); multifamily dwellings, rest homes, boarding houses, nursing homes, parish houses, tourist homes, bed-and-breakfasts (L); mobile home parks, drive-in restaurants, taverns (A, C); agriculture (C, I); campgrounds, recreational vehicle parks (A, W); cemeteries, golf courses, retreats, schools, commercial ski lodges/trails, airports, drive-in theaters, kennels, livestock sale establishments, small animal hospitals, excavation operations, oil wells, gas wells, motels, hotels, wood products manufacturing (A); hospitals, clinic (A, L); membership clubs (A, L, W); u-picks (L, W); banks (C); flea markets, service stations (A, B); funeral homes, crematories (A, L, B); retail sales and services (A, L, W, B, C, I); laundromats (B, C); outdoor advertising signs, parking garages/lots, dairy products processing/manufacturing, feed mills, junk

yards (A, I); shopping centers (A, L, C); adult entertainment (I); repair garages, truck terminals, manufacturing/processing operations (A, C, I); and wholesale warehousing (A, B, C, I).

Village of Avoca

The Village of Avoca's Land Use and Development Law was adopted in 2000, and subsequently amended by local laws in 2001, 2002, 2003, and 2005. The Village of Avoca is divided into four zoning districts: Agricultural – Residential (AG-R), Low Density Residential (LDR), General Business (GB), and Industrial (I). In addition, a Flood Plain Overlay District (FP) corresponds to areas of 100-year flood as identified by the FEMA FIRM for the Village of Avoca. There are no Facility components located within the Village of Avoca. However, the entire Village and all zoning districts lie within 5 miles of a Facility component.

The intent of the AG-R District is to preserve agricultural land, encourage continued agricultural use, preserve open space and natural resources, and reduce land use conflicts. Permitted principal uses include customary agricultural uses and structures, single- and two-family dwellings, municipal parks and playgrounds, monuments and markers, essential services, and commercial greenhouses. Accessory uses include private garages, customary residential storage structures, private swimming pools, carports, and private greenhouses. Additional uses allowed in the AG-R District with a Special Permit include churches, parish houses, convents, historical museums, oil and gas wells, membership clubs, veterinary hospitals, kennels, professional offices, roadside stands, airstrips, drive-in restaurants, taverns, and produce warehouses. Mobile homes and trailers are prohibited.

The intent of the LDR District is to permit establishment of low density residential areas and to avoid congestion. Permitted principal uses include single- and two-family dwellings, municipal parks and playgrounds, monuments and markers, and essential services. Accessory uses include private garages, customary residential storage structures, private swimming pools, carports, and private greenhouses. Additional uses allowed in the LDR District with a Special Permit include professional offices, medical clinics, nursing homes, multiple-family dwellings, churches, libraries, nursery schools, and commercial greenhouses. New mobile homes are prohibited, except to replace an existing mobile home unintentionally removed (i.e., by fire or act of God) within a 90-day window.

The intent of the GB District is to delineate business districts to which the public requires frequent access, and to encourage survival and renewal of the Village's historical business area. Industrial uses are prohibited, as are other uses that would interfere with the continuation and viability of the business character of the area. Permitted principal uses include multiple-family dwellings, municipal parks, historical monuments and markers, libraries, museums, business and professional offices, retail stores, convenience businesses, service establishments, eating and drinking establishments, theaters, pool halls, bowling alleys, funeral homes, churches, medical clinics, bus stations, parking

lots, printing shops, beauty shops, radio and TV studios, commercial greenhouses, laundromats, car washes, hotels, motels, and banks. Additional uses allowed in the GB District with a Special Permit include dance halls, nightclubs, skating rinks, essential services, membership clubs, and service stations.

The intent of the I District is to encourage development of manufacturing, processing and warehousing; to preserve community character; and to prevent traffic congestion and hazards. Permitted principal uses include agricultural use, essential services, automotive storage, automotive repairs, sales/rental yards, wholesale businesses, transportation facilities, manufacturing facilities, and laboratories. Accessory uses include off-street parking, loading, and garage spaces for commercial vehicles. Adult entertainment is permitted in the I District with a Special Permit.

Town of Cohocton

Adopted in 2002, the Zoning Law of the Town of Cohocton establishes five zoning districts: Agricultural-Residential (AG-R), Low Density Residential (LDR), General Business (GB), Interchange Commercial (IC), and Industrial (I). In addition, a Flood Plain Overlay District (FP) corresponds to areas of 100-year flood as identified by the FEMA FIRM for the Town of Cohocton. All zoning districts except I are located within 5 miles of a Facility component; also, various Facility components are located within the Town.

The intent of the AG-R District is to preserve agricultural land, encourage continued agricultural use, preserve open space and natural resources, discourage urban sprawl, and reduce land use conflicts. Permitted principal uses include customary agricultural uses and structures, single- and two-family dwellings, seasonal homes, municipal parks and playgrounds, libraries, churches, parish homes, convents, day nurseries, kindergartens, nursing homes, monuments and markers, and historical museums. Accessory uses include private garages, customary residential storage structures, private swimming pools, and carports. Additional uses allowed in the AG-R District with a Special Permit include essential services, motor vehicle service stations and garages, car washes, excavation operations, junk yards, scrap processors, mobile home parks, sanitary landfills, oil and gas wells, membership clubs, veterinary hospitals, kennels, professional offices, sawmills, roadside stands, airports, taverns, commercial antennae/towers, recreational vehicle parks, campgrounds, hunting/riding/fishing clubs, trails, country clubs, golf courses, ski lodges, game preserves, gun clubs, race tracks, sports arenas, manufacturing facilities, laboratories, clinics, bed-and-breakfasts, restaurants, auto sales and servicing, schools, and hospitals.

The intent of the LDR District is to permit establishment of low density or suburban residential areas with individual water and sewer facilities, and to avoid congestion and urban sprawl. Permitted principal uses include customary agricultural uses and structures, single- and two-family dwellings, seasonal homes, municipal parks and playgrounds, libraries, churches, parish homes, convents, day nurseries, kindergartens, nursing homes, monuments and markers,

and historical museums. Accessory uses include private garages, customary residential storage structures, private swimming pools, and carports. Additional uses allowed in the LDR District with a Special Permit include membership clubs, mobile home parks, hospitals, clinics, schools, multiple-family dwellings, bed-and-breakfasts, professional offices, essential services, cemeteries, funeral homes, and roadside stands.

The intent of the GB District is to provide for the establishment of convenience goods and services and tourist-oriented businesses. Permitted principal uses include single-family dwellings, municipal parks and playgrounds, libraries, general retail, service shops and studies, retail outlets for laundry and cleaning, gift shops, banks, and professional offices. Accessory uses include parking and loading facilities. Additional uses allowed in the GB District with a Special Permit include two-family dwellings, multiple-family dwellings, funeral homes, hospitals, clinics, nursing homes, essential services, membership clubs, service stations, auto sales and servicing, veterinary hospitals, taverns, schools, restaurants, bed-and-breakfasts, motels, and hotels.

The intent of the IC District is to provide for highway oriented businesses and traveler service facilities at appropriate locations served by major highways, and to prevent traffic hazards and congestion. Permitted principal uses include retail stores, banks, restaurants, taverns, service shops and studios, retail outlets for laundry and cleaning, service stations, motels, hotels, auto sales and servicing, wholesale storage, warehousing, mini-storage, equipment rental and sales, dance halls, skating rinks, miniature golf, bowling alleys, and professional offices. Accessory uses include parking and loading facilities. Additional uses allowed in the IC District with a Special Permit include truck terminals, essential services, and theaters.

Facility components proposed within the Town of Cohocton consist of the collector substation, the point of interconnection (POI) substation, 25 turbines, a permanent meteorological (met) tower, buried and overhead collection lines, and access roads, all of which are sited in the AG-R District. Industrial windmills and windmill facilities (i.e., infrastructure related to windmills, including electrical lines and substations, access roads, and accessory structures) are an allowable use with a Special Use Permit in AG-R Districts, in accordance with Article III, Section 310 of the Town of Cohocton Zoning Law, as amended by Local Law No. 2 of 2006 and Local Law No. 1 of 2011. See Exhibit 31 for a full analysis of the local laws and ordinances in the Town of Cohocton, including zoning regulations.

Village of Cohocton

Adopted in 2008 and revised in 2010, the Zoning Law of the Village of Cohocton establishes six zoning districts: Agricultural-Residential (AG-R), Residential (R-1), Adult Entertainment (AE), General Business (GB), Land

Conservation (LC), and Industrial (I). There are no Facility components located within the Village of Cohocton. However, the entire Village and all zoning districts lie within 5 miles of a Facility component.

The intent of the AG-R District is to preserve agricultural land, encourage continued agricultural use, preserve open space and natural resources, discourage urban sprawl, and reduce land use conflicts. Permitted principal uses include customary agricultural uses and structures, sale of produce grown on premises, single- and two-family dwellings, seasonal homes, tourist homes, bed-and-breakfasts, municipal parks and playgrounds, libraries, churches, parish houses, convents, day nurseries, kindergartens, nursing homes, monuments and markers, and historical museums. Accessory uses include private garages, customary residential storage structures, private swimming pools, and carports. Additional uses allowed in the AG-R District with a Special Permit include motor vehicle service stations and garages, car washes, excavation operations, junk yards, manufactured home parks, public utility uses, sanitary landfills, oil and gas wells, cemeteries, funeral homes, membership clubs, veterinary hospitals, kennels, professional offices, sawmills, roadside stands, airports, taverns, drive-in restaurants, hunting/riding/fishing clubs, trails, country clubs, golf courses, ski lodges, game preserves, sports arenas, light manufacturing, and laboratories.

The intent of the R-1 District is to permit establishment of low density or suburban residential areas with individual sewer facilities, and to avoid congestion and urban sprawl. Permitted principal uses include single- and two-family dwellings, seasonal homes, tourist homes, bed-and-breakfasts, municipal parks and playgrounds, libraries, day nurseries, kindergartens, nursing homes, monuments and markers, and historical museums. Accessory uses include customary agricultural uses and structures, sale of produce grown on premises, private garages, private swimming pools, and carports. Additional uses allowed in the R-1 District with a Special Permit include membership clubs, manufactured home parks, hospitals, clinics, schools, multiple-family dwellings, public utility uses, professional offices, cemeteries, funeral homes, and retail sales.

The intent of the AE District is to protect the public health, safety and welfare, and tranquility in all zoning districts within the Village of Cohocton, and to promote urban revitalization and preservation of community character by controlling the adverse secondary impacts associated with adult-oriented businesses. Adult-oriented businesses are only permitted provided they meet specified set back requirements from churches, cemeteries, synagogues, schools, day care facilities, and parks. There is also a required set back from other adult uses.

The intent of the GB District is to provide for the establishment of convenience goods and services and tourist-oriented businesses. Permitted principal uses include grocery stores, bakeries, delis, drugstores, luncheonettes, confectionery stores, department and general merchandise stores, stationery/tobacco/newspaper stores, hardware stores, appliance and furniture stores, clothing stores, jewelry shops, automotive dealers, auto supply stores, farm

equipment sales and service, restaurants, drinking places, barber and beauty shops, shoe repair shops, tailor shops, dry cleaning stores, self-service laundries, single- and two-family dwellings, business and professional offices, banks, financial institutions, funeral homes, bed-and-breakfasts, hotels, and motels. Accessory uses include parking and loading facilities. Additional uses allowed in the GB District with a Special Permit include mortuaries, hospitals, clinics, nursing homes, public utility uses, membership clubs, service stations, and churches.

The intent of the LC District is to preserve special resource areas wherein substantial development may result in public safety or health problems and/or ecological damage because of special conditions of topography, drainage, flood plains or other natural conditions. Permitted principal uses include agricultural uses and structures, single-family dwellings, seasonal homes, parks and playgrounds, forestry uses, and public utility uses.

The intent of the I District is to encourage the development of manufacturing, processing, and warehousing while preserving community character and preventing traffic congestion and hazards. Permitted principal uses include agricultural uses, public utility uses, junk yards, automotive storage and repairs, rental and sales yards, wholesale businesses, retail sales, manufacturing, material fabrication/assembly, administration facilities, and laboratories. Accessory uses include off-street parking, loading, and garage spaces for commercial vehicles. Additional uses allowed in the I District with a Special Permit include commercial uses and excavation operations.

Town of Dansville

No zoning law or ordinance has been adopted in the Town of Dansville (Steuben County, 2016). Facility components proposed within the Town of Dansville consist of three turbines, buried collection lines, and access roads. See Exhibit 31 for a full analysis of the local laws and ordinances in the Town of Dansville.

Town of Fremont

Adopted in 2005, the Land Use Regulations for the Town of Fremont establish three zoning districts: Agricultural-Residential (AG-R), Low-density Residential (LDR), and Land Conservation (LC). The AG-R District was established to provide for low-density residential and other non-farm uses, to encourage continued agricultural uses, and to preserve open space lands and natural resources. The LDR District was established to provide for concentrations of residential and related uses, with individual water and sewer facilities. The LC District was established to protect public water supplies, and to identify areas wherein development could result in public safety or health problems, and/or ecological damage because of topography, drainage, and soil characteristics. The entire Town and all zoning districts are located within 5 miles of a Facility component; also, various Facility components are located within the Town.

The following uses are allowable in the districts indicated, contingent on securing a Land Use Permit: single- and two-family dwellings, rest homes, boarding houses, churches, day nurseries, libraries, municipal parks, playgrounds, municipal buildings, nursing homes, professional offices, small animal hospitals, agricultural buildings and structures, customary residential storage structures, private garages, private swimming pools and tennis courts, bed-and-breakfasts (AG-R, LDR); private stables, bridle paths (AG-R); and essential services (LC).

The following uses are allowable in the districts indicated, contingent on securing a Special Permit: multi-family dwellings, mobile home parks, small wind energy generating systems (rated capacity not to exceed 100 kW), essential services, membership clubs, roadside stands, (AG-R, LDR); campgrounds, cemeteries, golf courses, automotive sales, car washes, convenience businesses, drive-in establishments, funeral homes, kennels, private airports, restaurants, service stations, commercial stables, automotive service and storage, building material sales, excavation operations, junk yards, manufacturing and fabrication facilities, oil and gas wells, sawmills, wholesale warehouses, cellular towers, wind energy generating systems, and wind measurement towers (AG-R).

Facility components proposed within the Town of Fremont consist of a laydown yard, 38 turbines, two permanent met towers, buried and overhead collection lines, access roads, and O&M building, all of which are sited in the AG-R District. Wind energy facilities (i.e., wind energy conversions systems and all related infrastructure, including electrical lines and substations, access roads, and accessory structures) are an allowable use with a Special Use Permit in AG-R Districts, in accordance with Section VIII of the Town of Fremont Land Use Ordinance, as amended by Local Law No. 1 of 2008. See Exhibit 31 for a full analysis of the local laws and ordinances in the Town of Fremont, including zoning regulations.

City of Hornell

The Zoning Ordinance for the City of Hornell was originally adopted in 1971, then amended in its entirety by Local Law No. 1 of 2000. The City is divided into seven zoning districts: three residential (R-1, R-2, and R-3), Local Business (B-1), General Business (B-2), Light Industrial (I-1), and Heavy Industrial (I-2). There are no Facility components located within the City of Hornell. However, all zoning districts are located within 5 miles of a Facility component.

Principal buildings and uses in the R-1 District are single-family dwellings, private gardens, and government use. Accessory buildings and uses include private pools, fences, walls, and parking for single-family dwellings. The same principal and accessory buildings and uses are allowed in the R-2 District, along with bed-and-breakfasts, churches, libraries, cultural facilities, day-care centers, educational uses, and accessory storage garages. The R-3 District

allows the same principal and accessory buildings and uses as the R-2 District, along with two-family dwellings, multi-family dwellings, hospitals, parking lots/garages, and parking for multi-family dwellings.

In the B-1 District, residential uses are permitted and regulated as in the nearest adjacent residential district. Other principal buildings and uses include amusement centers, art galleries, banks, financial institutions, bed-and-breakfasts, car washes, churches, medical clinics, commercial uses, cultural facilities, drive-in uses, funeral homes, service stations, convenience stores, government uses, hotels, motels, inns, motor courts, libraries, day-care centers, nursing homes, offices, parking lots/garages, education, professional services, repair shops, restaurants, retail stores, and laundries. The B-2 District allows the same principal and accessory buildings and uses as the B-1 District, along with animal hospitals, bar/night clubs, bus stations, greenhouses, motor vehicle sales, clubs, theater, storage garages, warehouses, and wholesale centers.

Principal buildings and uses in the I-1 District are hospitals, kennels, animal hospitals, bar/night clubs, bus stations, car washes, service stations, government use, greenhouses, repair shops, research laboratories, trucking terminals, storage yards/garages, industrial uses, warehousing, and warehouse centers. Adult entertainment and tattooing are also permitted in I-1 Districts, subject to additional restrictions. Principal buildings and uses in the I-2 District are bulk fuel depots, government uses, repair shops, research laboratories, industrial uses, storage yards, towers, trucking terminals, and adult entertainment (subject to additional restrictions).

Town of Hornellsville

Adopted in 1975, and subsequently amended in 1992 and 2013, the Zoning Ordinance of the Town of Hornellsville establishes eight zoning districts: Agricultural (AG), Single-Family Residential (R-1A and R1-B), Multi-Family Residential (R-3), Shopping Center (B-1), General Business (B-2), Limited Industrial (I-1), and General Industrial (I-2). There are no Facility components located within the Town of Hornellsville. However, all zoning districts except R-3 are located within 5 miles of a Facility component

Permitted principal uses in the AG District include single-family residences, single-family manufactured/mobile homes, customary agricultural structures or buildings, commercial nurseries and greenhouses, places of worship, convents, cemeteries, municipal parks and playgrounds, municipal buildings, and schools. Permitted accessory uses include private garages, customary residential storage structures, and private swimming pools. Additional uses permitted with a Special Use Permit include airports, flea markets, junk yards, kennels, meat processing facilities, renewable energy facilities, recycling centers, public utilities, subdivisions, recreation areas, manufactured/mobile home parks, mining, and excavations.

Permitted principal uses in the R-1A and R-1B Districts include single-family residences, places of worship, convents, cemeteries, parks and playgrounds, and schools. Permitted accessory uses include private garages, customary residential storage structures, and private swimming pools. Additional uses permitted with a Special Use Permit include public utilities and recreation areas. Manufactured/mobile homes are prohibited. The R-3 District allows the same principal and accessory uses as the R-1A and R-1B Districts, along with two- and multi-family residences, boarding houses, nursery schools, daycare centers, hospitals, private clubs, lodges, office buildings, funeral homes, and mortuaries. Additional uses permitted with a Special Use Permit include public utilities, recreation areas, and manufactured/mobile home parks.

Permitted principal uses in the B-1 District include retail businesses, restaurants, hotels, motels, professional/business offices, cinemas, night clubs, bowling alleys, skating rinks, and game arcades. Motor vehicle service stations are permitted with a Special Use Permit. Residential uses, outdoor sales, and billboards are prohibited. The B-2 District allows the same principal uses as the B-1 District, along with wholesale and retail uses, funeral homes, mortuaries, places of worship, private clubs, lodges, wholesale distributors, automobile sales, automobile repair, drive-in eating/drinking establishments, antique shops, service stations, veterinarians, printing and publishing shops, outdoor sales, indoor warehousing, retail bakeries, laundries, and dry cleaning. Additional uses permitted with a Special Use Permit include public utilities, recreation areas, flea markets, and kennels.

The purpose of the I-1 District is to allocate industrially-zoned land wherein manufacturing and assembly production is permitted, providing it has no vibration, smoke, dust, or off-premise safety hazard which are discernible to the human senses. Very low noise levels and traffic generation shall be permitted so long as they are not obnoxious on neighboring lands. The I-1 District allows the same principal uses as the B-2 District. Additional uses permitted with a Special Use Permit include laboratories, as well as manufacturing, compounding, processing, packaging, treatment, or assembly of the following materials or products when conducted within an enclosed building: cellophane, canvas, cloth, feathers, fiber, fiberglass, leather, paper, plastics, textiles, or wood (excluding lumber mills).

The purpose of the I-2 District is to provide a use of industrially zoned land wherein manufacturing and assembly processing can be accomplished to the benefit of both the industry and the Town. The I-2 District allows the same principal uses as the I-1 District. Additional uses permitted with a Special Use Permit include machine shops, sheet metal fabrication, contractor's equipment storage/yards, agricultural feed mills, coal/fuel yards, lumber and millworks, food processing, meat processing facilities, heating and air conditioner manufacturing, trucking and transfer terminals, general assembly, chemical compound blending and packaging, electronic appliances/instruments/devices

manufacturing, stone and monument production, nut/screw/bolt manufacturing, junk yards, renewable energy facilities, and recycling centers.

Town of Howard

No zoning law or ordinance has been adopted in the Town of Howard (Steuben County, 2016). The Town of Howard adopted a local law for land use (site planning) in 2011. In adopting the land use law, the Town specifically stated that “[t]he Town has considered and rejected the idea of adopting a conventional zoning law to implement a physical plan of development. The Town finds that a zoning law based on use districts created expectations of development and a static vision of the future that are not appropriate for a rural community. Zoning arbitrarily limits flexibility of land use without protecting a town’s most important resources and character.” No Facility components are located within the Town of Howard.

Village of North Hornell

The Code of the Village of North Hornell, adopted in 1988, contains zoning regulations as Chapter 140. Article II, § 140-7 establishes three zoning districts: Agricultural (AG), Residential (R), and Commercial (C). There are no Facility components located within the Village of North Hornell. However, the entire Village and all zoning districts lie within 5 miles of a Facility component.

The intent of the AG District is to preserve agricultural land, encourage continued agricultural use, preserve open space and natural resources, and reduce land conflicts. Customary agricultural uses (i.e., growing crops) are the only permitted principal use. No accessory or Special Permit uses are allowed.

The intent of the R District is to permit establishment of residential areas and to avoid congestion. Permitted principal uses include single- and two-family dwellings, municipal parks and playgrounds, monuments and markers, and essential services. Accessory uses include private garages, private swimming pools, carports, and non-commercial greenhouses. Additional uses allowed with a Special Use Permit include commercial greenhouses, professional offices, medical clinics, nursing homes, and multi-family dwellings.

The intent of the C District is to delineate commercial areas to which the public requires frequent access. A variety of businesses and other related uses are encouraged. Industrial uses are prohibited as are other uses that would interfere with the continuation and viability of the business character of the area. Permitted principal uses include dwellings, retail stores, convenience business and service establishments, business and professional offices, eating and drinking establishments, printing shops, beauty shops, commercial greenhouses, laundromats, car washes, banks, historical monuments and markers, and municipal parks. Accessory uses include off-street parking or

loading. Additional uses allowed with a Special Use Permit include adult bookstores/libraries, places of entertainment, essential services, and service stations.

Town of Prattsburgh

No zoning law or ordinance has been adopted in the Town of Prattsburgh (Steuben County, 2016). There are no Facility components proposed within the Town of Prattsburgh.

Town of Springwater

No zoning law or ordinance has been adopted in the Town of Springwater (Babbitt-Henry, 2016). There are no Facility components proposed within the Town of Springwater.

Town of Wayland

Enacted as Local Law No. 3 of 1997, and subsequently amended in 1998, 2006, 2008, and 2010, the Town of Wayland Protection, Conservation, and Development Law divides the Town into seven areas: Agricultural-Residential (AG-R), Aquatic (AQ), Commercial (C), Industrial (I), Critical Environmental Area (CEA) Overlay, Watershed Protection Overlay, and Agricultural-Commercial (AG-C). All zoning districts are located within 5 miles of a Facility component; also, various Facility components are located within the Town.

The purpose of the AG-R Area is to provide for low-density residential and other nonfarm uses, to encourage continued agricultural uses, and to preserve open space and natural resources. The purpose of the AQ Area is to provide for higher density residential and water-related uses and to encourage the preservation of waterfront natural resources and scenic values. The purpose of the C Area is to provide appropriate locations for highway-oriented business and traveler service facilities, and to avoid traffic and congestion. The purpose of the I area is to provide appropriate locations for manufacturing, processing, and warehousing developments not dependent on municipal water supply or sewage, to allow such uses with outdoor storage and service areas, and to accommodate such uses that may generate heavy traffic. The purpose of the CEA Overlay Area is to protect, preserve, and promote the safe use of the existing and potential groundwater supply from development or land use practices that may adversely affect the quality or availability of water in the Town aquifer, and to allow very low density residential and recreational use. The Watershed Protection Overlay applies the same requirements of the CEA Overlay Area to the Dansville Reservoir and Loon Lake. The purpose of the AG-C Area is to provide for future development of non-farm commercial use.

Commercial towers are an allowable principal use with a Building Permit in the AG-R, C, I, and AG-C Areas. The following uses are allowable with a Special Permit in the areas indicated: adult bookstores, adult entertainment

establishments (C); commercial towers (CEA); communication towers, manufacturing/fabrication/assembly, oil and gas wells, warehouse storage (AG-R, C, I, CEA, AG-C); construction and demolition debris landfill (AG-R, I, CEA); essential services, municipal parks and playgrounds, public water supplies, utility distribution lines, utility facilities (AG-R, AQ, C, I, CEA, AG-C); solid waste landfills, transfer stations, disposal facilities (I); excavating and mining operations (AG-R, C, I, CEA); and treatment works (I, CEA). The treatment, storage, or disposal of hazardous wastes and radioactive materials is prohibited in all areas.

Facility components proposed within the Town of Wayland consist of 10 turbines, one permanent met tower, buried and overhead collection lines, access roads, and a laydown yard, all of which are sited in the AG-R Area. Wind turbine generators are an allowable use, in accordance with Section 2.2.2(3) of the Town of Wayland Protection, Conservation, and Development Law, which states, “uses that are not specifically restricted by this Law are allowable uses, provided such uses are in compliance with other federal, state and county and Town laws...”. See Exhibit 31 for a full analysis of the local laws and ordinances in the Town of Wayland, including zoning regulations.

Village of Wayland

The Village of Wayland Zoning Local Law, which was adopted in 1975, establishes six zoning districts: Single-Family Residential (R-1), Two-Family and Multi-Family Residential (R-2), Local Shopping (C-1), General Commercial (C-2), Industrial District (M-1), and Land Conservation District (L-C). There are no Facility components located within the Village of Wayland. However, all zoning districts lie within 5 miles of a Facility component.

The intent of the R-1 District is to delineate existing residential areas and areas where residential development is likely to occur, to upgrade the character of all residential areas, and to protect the integrity of residential areas by prohibiting the incursion of incompatible nonresidential use. Permitted principal uses with building permit include one-family detached dwellings, churches and places of worship, public elementary and high schools, public parks and playgrounds, libraries, and museums. Additional special uses allowed in the R-1 District with Village Board and Planning Board approval include community building, social halls, clubs, lodges, fraternal organizations, large-scale residential development, golf courses, public swimming pools, enclosed essential services, and cluster development.

The intent of the R-2 District is to delineate existing multi-family residential areas and areas where multi-family residential development is likely to occur. The R-2 District allows the same principal and special uses as the R-1 District, along with multi-family attached dwellings and mobile home parks, both of which are special uses.

The intent of the C-1 District is to delineate a centralized area where shopping, recreation and cultural facilities are provided for the Village. Permitted principal uses with a building permit include eating and drinking establishments, hardware stores, food stores, clothing stores, drug stores, business and professional offices, hotels, motels, and

essential services. Additional special uses allowed in the C-1 District with Village Board and Planning Board approval include automobile service stations and multi-family attached dwellings. The intent of the C-2 District is to delineate predominantly commercial areas to serve the daily needs of surrounding residential areas and highway users. The C-2 District allows the same principal uses as the C-1 District, along with automobile sales, mobile home sales, motels, farm machinery sales, automobile repair and service stations, restaurants, and bars. Additional special uses allowed in the C-2 District with Village Board and Planning Board approval include drive-in theaters, golf driving ranges, and miniature golf.

The intent of the M-1 District is to delineate areas best suited for industrial development. Permitted principal uses with building permit include manufacturing, assembly, research operations, farms, farm uses, warehouses, distribution plants, and wholesale businesses. Additional special uses allowed in the M-1 District with Village Board and Planning Board approval include automobile service and repair stations, junk yards, and large-scale industrial park development.

The intent of the L-C is to delineate those areas where substantial development of the land in the form of buildings or structures is prohibited. There are no permitted principal uses. Special uses allowed in the L-C District with Village Board and Planning Board approval include farms, parks, golf courses, athletic fields, disposal facilities, land fill operations, and enclosed essential services.

Town of Wheeler

No zoning law or ordinance has been adopted in the Town of Wheeler (Steuben County, 2016). There are no Facility components proposed within the Town of Wheeler.

(e) Comprehensive Plans

The proposed Facility is located in the Towns of Cohocton, Dansville, Fremont, and Wayland in Steuben County, New York. Although Steuben County has not adopted a Comprehensive Plan, each of the host Towns has adopted its own Comprehensive Plan. Each of these Plans are reviewed below.

Town of Cohocton Comprehensive Plan

Prepared by the Planning Board of the Town of Cohocton in 1970, the document titled "A Comprehensive Master Plan" only includes language addressing the Town's Zoning Ordinance, which was updated in 2002 and is discussed above. The Town confirmed this to be the only and most recent version of the Comprehensive Plan. A copy of the Comprehensive Master Plan for the Town of Cohocton is included in Appendix SSS. As discussed in Exhibit 31, the

proposed Facility is consistent with the Town's 2002 Zoning Ordinance, which superseded the ordinance covered by the 1970 Comprehensive Master Plan.

Town of Dansville Development Plan

The Steuben County Planning Board prepared this Plan in 1976 for the Town of Dansville in cooperation with the New York State Department of State. The Plan describes the Town's physical features and natural resources, along with existing land use, community facilities, transportation, population, housing, and economic characteristics. Chapter 10 provides land use recommendations. The overall objectives for future land use are to prevent land use conflicts, protect the agricultural sector from excessive encroachment from non-farm uses, and to guide development in a manner compatible with the physical and aesthetic character of the area. Non-farm encroachment into agricultural areas is detrimental to agriculture and increases municipal costs. Four land use categories are recommended in the Plan: Agricultural-Residential, Low Density Residential, Recreational, and Flood Plain.

According to the Plan, the primary goal in planning for future development

"is to encourage the preservation of the agriculture in the area and to encourage its growth. Good agricultural land is a non renewable resource that must be protected for the benefit of all. Also the agricultural industry is a major economic factor in a rural Town. By maintaining an open space low density character, farmers may avoid the possibility of non-farm residents objecting to normal farming operations."

The Plan does not specifically contemplate wind energy development, nor does it discuss other sources of renewable or conventional energy. Nevertheless, the proposed Facility is consistent with the objectives related to preserving agricultural land and preventing encroachment by non-farm uses. The Facility will not physically impact any agriculturally related structures, and aside from temporary disturbance during construction activities (subject to restoration), is largely compatible with farming practices. The Facility will not result in a change in land use, and will promote the long-term economic viability of the affected farms by supplementing the income of participating farmers. Furthermore, the presence of wind turbines will help preserve agricultural land and avoid conversion of that land to non-agricultural land uses. A copy of the Town of Dansville Development Plan is included in Appendix SSS.

Town of Fremont Comprehensive Plan

Prepared by the Fremont Planning Board in 2013, the Town of Fremont Comprehensive Plan is designed to provide municipal officials and residents with direction and guidance for the future. The Plan is designed to retain the Town's rural atmosphere; ensure that development happens in a planned and orderly manner without sprawl; encourage landowners to maintain open space and farmland; maintain the scenic values and natural beauty of the Town; preserve historically agricultural lands; provide for the general health, safety, and welfare of the population; and avoid

despoiling the air, water, and land. The Plan describes the Town's physical features and natural resources, along with existing land use, transportation, and housing, and identifies the following goals and objectives:

- To encourage the most appropriate use of land in order to conserve and enhance the value of property;
- To encourage the preservation of agricultural lands;
- To encourage the preservation of the open space and special terrain features;
- To discourage development in areas physically unsuited.

To accomplish these goals and objectives, the Plan sets forth three major land use categories: Agricultural-Residential, Low Density Residential, and Land Conservation. These categories correspond to the Town's zoning districts, as described in the previous section. The Plan places much emphasis on the need to preserve agricultural land. In addition to Land Use Regulations for the Town, the Plan also acknowledges the establishment of agricultural districts pursuant to the New York State Agricultural Districting Law, passed in 1972, concluding that a "combination of land use regulations and agricultural districting will go far to preserve and encourage the continuation of a strong agricultural climate in the community." The Comprehensive Plan does not specifically contemplate wind energy development, nor does it discuss other sources of renewable or conventional energy. Nevertheless, the proposed Facility is consistent with the primary goal of preserving agricultural lands. The Facility will not result in a change in land use, and by supplementing the income of participating farmers, will promote the long-term economic viability of the affected farms. A copy of the Town of Fremont Comprehensive Plan is included in Appendix SSS.

Town of Wayland Comprehensive Plan

Prepared by the Town of Wayland Planning Board in 2011, the Town of Wayland Comprehensive Plan is the result of interviews, public meetings, and review of town, county, and state plans and programs as they relate to the Wayland area. The primary purpose of the Comprehensive Plan is to give direction to future development that will occur within the Town and to assure the Town's natural resources will support such growth. The Plan sets forth desirable and attainable objectives and standards to accommodate the needs of the community, and is intended to become both a tool to serve as the basis for making decisions on current issues, and a guide to give direction and scale for future use.

As a result of focus groups, a survey, and input from citizens, the Plan contains a list of goals compiled under seven broad topics: 1) protect natural resources, 2) provide for well-planned residential growth, 3) support and preserve agricultural resources, 4) provide areas for commercial use, 5) encourage/allow small business/cottage industry, 6) maintain/improve public services, and 7) recreational uses. An Action Plan is proposed to accomplish these goals, organized by the same seven topics. The Comprehensive Plan does not specifically contemplate wind energy development, nor does it discuss other sources of renewable or conventional energy. Nevertheless, the proposed

Facility is consistent with goal of supporting and preserving agricultural lands. The Facility will not result in a change in land use, and by supplementing the income of participating farmers, will promote the long-term economic viability of the affected farms. A copy of the Town of Wayland Comprehensive Plan is included in Appendix SSS.

(f) Map of Proposed Land Uses

Figure 4-6 illustrates the proposed land uses based on discussions with local planning officials (including inquiring of pending applications), open houses, the public involvement program (PIP) implementation/preliminary scoping statement (PSS) development process, and other sources. No other specific proposed land uses were identified. In addition, based on these outreach efforts, no other proposed wind turbines were identified within a 5-mile radius of the Facility nor has the Applicant identified any other plans/proposals to construct wind turbines within the designated 5-mile radius.

(g) Map of Specially Designated Areas

Figure 4-7 illustrates designated inland waterways, agricultural districts, special flood hazard areas, critical environmental areas (CEAs), and other specially designated areas within a 5-mile radius of the Facility. Table 4-2 summarizes the sources of data used to prepare these maps and whether the type of area is found within the designated 5-mile radius. There are no designated coastal areas (NYSDOS, 2012) or Local Waterfront Revitalization Program (LWRP) communities in Steuben or Livingston Counties (NYSDOS, 2016).

Table 4-2. Sources of Data Used to Prepare Mapping of Specially Designated Areas

| Mapping Requirement | Data Source | Specially Designated Areas Present |
|--|--|------------------------------------|
| Designated coastal areas | NYS GIS Clearinghouse, NYS Department of State | None |
| Inland waterways and LWRP program areas | NYS GIS Clearinghouse, NYS Department of State | See Figure 4-7 |
| 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 |
| CEAs | NYSDEC | See Figure 4-7 |
| National Rivers Inventory (NRI) (e.g., Cohocton and Canisteo Rivers) | National Park Service (NPS) | See Figure 4-7 |
| Federal Recreation Areas (e.g., Almond Lake) | NYS GIS Clearinghouse | See Figure 4-7 |

Portions of Steuben County Agricultural Districts 3, 5, and 7 are located within a 5-mile radius of the Facility. Agricultural District 3 currently has 63,912.03 acres enrolled of which 15,338.5 acres are located within a 5-mile radius of the Facility, and includes all or portions of the Towns of Avoca, Howard, Prattsburg, and Wheeler. Agricultural District 5 currently has 35,146.6 acres enrolled of which 33,432.4 acres are located within a 5-mile radius of the Facility, and includes all or portions of the Towns of Avoca, Cohocton, Dansville, Fremont, and Wayland. Agricultural District 7 currently has 46,222.5 acres enrolled of which 32,996.3 acres are located within a 5-mile radius of the Facility, and includes all or portions of the Towns of Dansville, Fremont, Hornellsville, and Howard. New York State Agriculture and Markets Law § 303b allows land to be added to agriculture districts through an annual process. However, land can only be removed from districts as part of a mandatory eight-year review. According to the Steuben County Agricultural Districts Review Schedule, the next eight-year review date for Agricultural District 3 is January 15, 2019, Agricultural District 5 is May 5, 2024, and Agricultural District 7 is February 6, 2025 (Steuben County, 2017).

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

Figure 4-8 illustrates recreation areas and other sensitive land uses known to the Applicant within a 5-mile radius of the Facility. According to the Article 10 regulations, archaeological sites are required to be included in Figure 4-8. During the Phase 1B Archaeological Survey, archaeological sites were identified within the Facility Site. However, per the 1994 New York Archaeological Council's *Standard's for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State*, archaeological site locations are not included in this public application, including Figure 4-8. Archaeological site locations are confidential and will be included in reports provided to the New York State Office of Parks and Recreation only. Table 4-3 summarizes the sources of data used to prepare these maps and identifies whether the particular type of area/ land use is found within the designated 5-mile radius.

Table 4-3. Sources of Data Used to Prepare Mapping of Recreational and Sensitive Areas

| Requirement | Data Source | Recreational and Sensitive Areas Present |
|---|--|--|
| Wild, scenic and recreational river corridors | National Wild and Scenic Rivers System | None |
| Open space | NYS GIS Clearinghouse NYPAD | See Figure 4-8 |
| Archaeological, geologic, historical, or scenic area | NYS GIS Clearinghouse, SHPO | See Figure 4-8 |
| Local recreation (e.g., parks, golf courses) | NYS GIS Clearinghouse | See Figure 4-8 |
| Wildlife management lands (i.e., designated wilderness) | NYS GIS Clearinghouse, NYSDEC, USFWS | See Figure 4-8 |
| Forest management lands (i.e., forest preserves) | NYS GIS Clearinghouse, NYSDEC | None |

| Requirement | Data Source | Recreational and Sensitive Areas Present |
|--|--|--|
| Conservation easement lands | National Conservation Easement Database; NYS GIS Clearinghouse | See Figure 4-8 |
| State and federal scenic byways | NYSDOT; NYS GIS Clearinghouse; USDOT | None |
| Nature preserves | NYS GIS Clearinghouse | See Figure 4-8 |
| Designated trails | NYS GIS Clearinghouse and local governments | See Figure 4-8 |
| Public-access fishing areas | NYS GIS Clearinghouse, NYSDEC | See Figure 4-8 |
| Oil and gas production | NYSDEC | See Figure 4-8 |
| Gas pipelines | Platts, NYSDEC, USEIA, National Pipeline Mapping System (NPMS) | See Figure 4-8 |
| Major communication and utility uses and infrastructure | USGS, USDOT, US EIA, NPMS | See Figure 4-8 |
| Institutional, community and municipal uses and facilities | ESRI; TIGER/line files; NYS GIS Clearinghouse | See Figure 4-8 |

The Facility's Visual Impact Assessment also identifies visually sensitive resources, including recreational and other sensitive land uses that may be affected by the potential visibility of the Facility. Specifically, this inventory includes visually sensitive resources of potential statewide significance within 10 miles of the proposed Facility, as well as a more detailed inventory (including potential locally significant resources) within a 5-mile visual study area. Aesthetic resources of statewide significance located within 10 miles of the proposed Facility include: 20 sites and three districts listed on the National Register of Historic Places (NRHP); one state park (Stony Brook) and one state recreation area (Harriet Hollister Spencer); one state wildlife management area (High Tor); two eligible wild, scenic or recreational rivers (Canisteo River and Cohocton River); two designated scenic overlooks (on Interstate 86 and Interstate 390); one National Scenic Trail (North Country); one hiking trail of statewide significance (Finger Lakes Trail); and one federally designated recreation area (Kanakadea Recreation Area at Almond Lake, which offers camping and day use facilities for picnicking and boating). Resources located within the 5-mile visual study area that may be regionally or locally significant/sensitive include: one city (Hornell); five villages (Arkport, Avoca, Cohocton, North Hornell, and Wayland); eight hamlets; three local parks/playgrounds; two golf courses; various hiking and snowmobile trails; two state fishing access points; six state forests; one state multiple use area; six state highways and two interstate highways; and numerous public schools. See Exhibit 24 for additional information.

The Facility will have no direct impact on the recreational and other resources identified in Figure 4-8 (i.e., they will not be removed or physically modified in any way). The Facility's potential effect on these resources could include a change in the property's visual setting, resulting from the introduction of wind turbines. The VIA includes an analysis of Facility visibility, which identifies those locations within the visual study area where there is potential for the

proposed wind turbines to be seen from ground-level vantage points. Topography and vegetation will serve to block daytime views of the Facility from approximately 62.4% of the 5-mile study area and approximately 77.1% of the 10-mile study area (i.e., 37.6% and 22.9% of the 5-mile and 10-mile study areas, respectively, are indicated as having potential Facility visibility). Appendix C of the VIA consists of a visibility analysis of the sensitive sites. The analysis presents the distance to the nearest turbine 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. For more information about the anticipated visual impacts of the Facility and mitigation measures, see Exhibit 24 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 five distinct land use types. The majority of the Facility Site (approximately 62.6%) is categorized as Agriculture, which is defined as “property used for the production of crops or livestock.” Residential, which constitutes approximately 20.0% of the Facility Site, is described as “property used for human habitation.” Vacant Land, which is described as “property that is not in use, is in temporary use, or lacks permanent improvement” makes up approximately 11.6% of the Facility Site. Approximately 5.0% of the Facility Site is characterized as Wild, Forested, Conservation Lands and Public Parks, which is described by the NYSORPS as “reforested lands, preserves, and private hunting and fishing clubs.” The remaining 0.8% of the Facility Site is classified in the “Unassigned” land use category. Table 4-4 summarizes land use impacts to each of these categories, based on the typical area of vegetation clearing column presented in Table 22-1 (see Exhibit 22).

Table 4-4. Land Use Impacts

| Land Use | Acres within Facility Site | Total Disturbance (acres) | Temporary Disturbance (acres) | Permanent Disturbance (acres) ¹ |
|---|----------------------------|---------------------------|-------------------------------|--|
| Agricultural | 5,343.7 | 382.3 | 289.6 | 92.7 |
| Residential | 1,704.5 | 91.4 | 77.6 | 13.8 |
| Vacant | 990.0 | 71.3 | 59.9 | 11.4 |
| Wild, Forested, Conservation Lands and Public Parks | 424.0 | 16.5 | 11.2 | 5.3 |
| Unassigned | 70.5 | 6.5 | 4.9 | 1.6 |
| Total | 8,532.7 | 568.0 | 443.2 | 124.8 |

¹ Permanent disturbance will only be for the life of the proposed Facility (i.e., 30 years).

Only very minor changes in land use are anticipated within the Facility Site as a result of Facility operation, and no changes are predicted outside the Facility Site. The presence of the turbine bases, access roads, substations, and

the O&M building will result in the cumulative conversion of approximately 124.8 acres of land from its current use to built facilities. During Facility operation, additional impacts on land use (if any) over the years should be infrequent and minimal. Aside from occasional maintenance and repair activities, Facility operation will not interfere with ongoing land use (i.e., farming and forestry activities).

Compliance with NYSDAM Wind Power Project Guidance for Components Sited on Agricultural Lands

As described above, the NYSDAM has promulgated a guidance document that applies to wind power projects sited within agricultural lands. The *Guidelines for Agricultural Mitigation for Wind Power Projects* (see Appendix E) include siting goals, construction requirements, restoration requirements, and post-construction monitoring and remediation requirements. To minimize and/or mitigate impacts to active agricultural land and farming operations, Facility siting and construction will 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). Note that based on recent consultation with NYSDAM personnel, complete adherence to the *Guidelines for Agricultural Mitigation for Windpower Projects* is not necessarily required in all Facility locations. As discussed with NYSDAM personnel, the Applicant and/or Environmental Monitor will consult with NYSDAM during construction when deviation from the *Guidelines* is necessary. Mitigation measures to be implemented to minimize impacts to agricultural land include:

- Limiting permanent road widths in agricultural fields, and where possible, following hedgerows and field edges to minimize loss of agricultural land.
- Having roads that must cross agricultural fields stay, where feasible, on ridge tops and other high ground to minimize cut and fill as well as potential drainage problems.
- Avoiding disturbance of surface and subsurface drainage features (ditches, diversions, tile lines, etc.).
- Stripping all topsoil from agricultural areas used for vehicle and equipment traffic and parking. Stockpiling stripped topsoil separately from other excavated material.
- Prohibiting vehicular access to turbine sites until topsoil has been stripped and permanent access roads have been constructed.
- Limiting vehicular access to construction roads only.
- Limiting vehicle and equipment traffic and parking to the access road and/or designated work areas such as tower sites and laydown areas. No vehicles or equipment will be allowed outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor.
- Prohibiting stripping of topsoil or passage of cranes across agricultural fields during saturated conditions when such actions would damage agricultural soils.
- Avoiding blocking of surface water drainage due to road installation or stockpiled topsoil.

- Maintaining access roads throughout construction so as to allow continued use/crossing by farmers and farm machinery.
- Temporarily fencing work areas in active pastureland to protect livestock, consistent with landowner agreements.
- Disposing of excess concrete offsite (unless otherwise approved by the Environmental Monitor and the landowner). Under no circumstances shall excess concrete be buried or left on the surface in active agricultural areas.
- Washing of concrete trucks, if necessary, outside of active agricultural areas in locations approved by the Environmental Monitor.
- Restricting crane set-up, erection, and breakdown activities to designated access roads and work pads at the turbine sites.
- Stabilizing restored agricultural areas with seed and/or mulch.
- Removing and disposing of all construction debris offsite at the completion of restoration.
- Removing all excess subsoil and rock from the site. On-site disposal of such material may be allowed if approved by the landowner and the Environmental Monitor, with appropriate consideration given to any possible agricultural or environmental impacts.
- Repairing any surface or subsurface drainage structures damaged during construction to as close to preconstruction conditions as possible, unless said structures are to be removed as part of the Facility design.
- Re-grading all access roads to allow for farm equipment crossing, and to restore original surface drainage patterns or other drainage pattern incorporated into the design.
- Compensation for damaged/lost crops.

Following construction, all disturbed agricultural areas will be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. In areas where the topsoil was stripped, soil decompaction shall be conducted prior to topsoil replacement. Following decompaction, all rocks 4 inches and larger in size will be removed from the surface of the subsoil prior to replacement of the topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger will be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement will be avoided from October 1 to December 31, unless approved on a site-specific basis by the landowner in consultation with the Environmental Monitor and NYSDAM. No Facility restoration activities will occur in agricultural fields between the months of October through May unless favorable soil moisture conditions exist.

Compatibility of Facility with Comprehensive and Regional Plans

Each of the host Towns has adopted a Comprehensive Plan, which are described Section (e) above. In addition, there are several regional plans that apply to the area, including the Steuben County Agricultural and Farmland Protection Plan, the Cleaner Greener Southern Tier Regional Sustainability Plan, and the Southern Tier Central Comprehensive Economic Development Strategy. The Facility's consistency with these regional plans is summarized in Table 4-5.

Table 4-5. Facility Consistency with Regional Planning Documents

| Plan | Relevant Goals and Objectives | Facility Consistencies | Facility Inconsistencies |
|---|--|--|--------------------------|
| Steuben County Agricultural and Farmland Protection Plan (2015) | <ul style="list-style-type: none"> - Support local farmers and existing agricultural-related businesses in their efforts to create high quality, value-added products, increase consumer access, and develop essential infrastructure to ensure the long-term viability of the county's agricultural economy. - Ensure that the county's farmland remains viable and productive for future farmers. - Encourage the use of renewable resources on agricultural lands. - Develop local wind and solar power ordinances to encourage farmers to implement projects on portions of their agricultural land. | <ul style="list-style-type: none"> - Utilizing a renewable resource on agricultural land to generate electric power and provide local and regional economic benefits. - Maintaining agricultural land use patterns in the vicinity of the Facility. - Supplement farmers' income to ensure farms remain viable. | None |
| Cleaner Greener Southern Tier Regional Sustainability Plan (2013) | <ul style="list-style-type: none"> - Develop, produce, and deploy local renewable energy sources and advanced technologies across the Southern Tier. - Identify and plan for the economic, environmental, and social impacts of climate change. - Support farming and related businesses to reinvigorate the rural economy, enhance residents' incomes and standards of living, and promote local food and agriculture. - Create and retain more good paying jobs by building on the Southern Tier's regional strengths, including advanced energy and transportation technologies, globally-competitive industry, and workforce development and technology transfer partnerships with educational institutions. | <ul style="list-style-type: none"> - Utilizing a renewable resource to generate electric power and provide local and regional economic benefits. - Maintaining and supporting agricultural land use patterns within the vicinity of the Facility. -Support farms by supplementing farmers' income. | None |

| Plan | Relevant Goals and Objectives | Facility Consistencies | Facility Inconsistencies |
|--|--|--|---|
| Southern Tier Central Comprehensive Economic Development Strategy (2016) | <ul style="list-style-type: none"> - Protect the resources and natural beauty of the region. - Act as a local clearinghouse in green site design, passive solar design, small scale energy production, sustainability, "new" agriculture, and environmental awareness. | <ul style="list-style-type: none"> - Utilizing a renewable resource (wind) to generate sustainable electric power and support local agriculture | <ul style="list-style-type: none"> - Whether or not a wind facility negatively impacts natural beauty is subjective, to some extent. Some people may feel the Facility will impact natural beauty, which would represent an inconsistency. |

As shown above, the proposed Facility is generally consistent with the goals and objectives outlined in the regional plans. According to the 2015 Steuben County Agricultural and Farmland Protection Plan,

"Wind and solar energy are compatible with agricultural land uses, and are identified by the STREDC [Southern Tier Regional Economic Development Council] as a strategy for making the Southern Tier New York a leader in renewable energy. Support for renewable resources including wind and solar power are increasing as energy costs continue to rise. Farmers across the country are harvesting these resources while simultaneously raising crops and livestock, and providing long-term financial stability. The County should work with each municipality to ensure local wind and solar ordinances do not restrict farmers from installing these facilities."

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. The majority 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* (NYSDECb, 2016, pp 16-17). See Exhibit 12 for additional information on potential dust-related impacts and control measures.

During construction of the proposed Facility, there will be a temporary increase in truck traffic on area roadways. A Transportation Effect and Route Evaluation Study was prepared to evaluate existing transportation conditions in the vicinity of the Facility Site, and to identify probable local traffic routes, constraints, and proposed improvements (see Exhibit 25 for additional information). 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. To minimize any delays to local traffic during the construction phase, the Applicant will coordinate with the State, 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 turbine visibility, shadow flicker, and/or an increased level of sound at some receptor locations in the vicinity of the Facility Site, 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.

The presence (i.e., visibility) of the turbines will likely result in a change in perceived land use from some viewpoints. Evaluation by registered landscape architects indicates that the Facility's overall contrast with the visual/aesthetic character of the area will generally be minimal to moderate. However, based on the contrast rating scores and comments, greater levels of contrast can be anticipated where foreground or near-midground views of turbines (i.e., under 1.5 mile) are available from residences or areas of relatively high overall scenic quality. Conversely, contrast is reduced when turbines are partially screened, viewed at greater distances, seen in the context of a working agricultural landscape, or viewed in a setting with existing visual clutter. According to the VIA, public reaction to the aesthetic qualities of the proposed Facility is unknown and likely to be highly variable based on proximity to the turbines, the affected landscape, and personal attitude of the viewer regarding wind power. Visibility of the proposed turbines is not expected to affect the use and enjoyment of the Facility Site and surrounding areas for the current and planned land uses. See Exhibit 24 of this Application for more detailed information on turbine visibility and visual impacts in the vicinity of the Facility Site.

A shadow flicker analysis has been prepared for the proposed Facility (see Exhibit 24 for additional information). This study indicates that 87% of the receptors are predicted to receive less than 30 hours of shadow flicker per year, with 50% of the receptors predicted to receive less than 10 hours of shadow flicker per year. Viewshed analysis conducted for all receptors predicted to receive more than 30 hours of flicker per year indicates that 17 of the 46 non-participating receptors will not have views of the turbines due to screening provided by mapped topography and vegetation (and will therefore not experience shadow flicker effects). However, shadow flicker is not anticipated to result in undue adverse impacts. Many of the modeled shadow flicker hours are expected to be of low intensity, as they will occur during the early morning or late afternoon hours when the sun is low in the sky. Adherence to the setbacks minimizes potential impacts resulting from shadow flicker from the proposed Facility. In addition, the

turbines are located on leased private property, therefore the public's access to the Facility is limited. If shadow flicker is modeled to exceed 30 hours per year at a non-participating residence, the following mitigation options are available: 1) work with the landowner to become a Facility participant, 2) plant trees or installation of window blinds to block the shadow flicker, 3) install detection systems of turbines resulting in greater than 30 hours per year at non-participating receptors. See Exhibits 15 and 24 of this Application for more detailed information on shadow flicker impacts in the vicinity of the Facility Site.

Background sound monitoring was conducted at seven different monitoring sites in the vicinity of the Facility Site for two distinct periods (summer and winter) lasting at least 14 days each. Measured sound levels were variable, depending on the proximity to human activity and industry. The combined summer and winter equivalent average sound levels ranged from 36 to 49 dBA during the day and 32 to 45 dBA during the night. Given the scientific evidence regarding the World Health Organization guidelines for protection against sleep disturbance and other research on human response to wind turbine noise, the Facility is being designed to not exceed 45 dBA $L_{EQ(8)}$, which is averaged over the entire night (11 pm to 7 am) outside at non-participating permanent residences and local noise standards during the day and night. This nighttime noise goal is more stringent than all of the federal guidelines mentioned above and will be well below the level that can cause hearing impairment according to WHO, the EPA, and the Occupational Safety and Health Administration (OSHA). The goal is both protective of human health and hearing loss, and prevents any quality-of-life concerns. Various mitigation measures, such as sound waivers, blade design modifications and operating turbines in noise reduced operation modes, will be incorporated into the Facility to ensure compliance with the town ordinances and consistency with the Facility design sound goal. See Exhibit 19 of this Application for more detailed information on the existing sound levels in the area, the potential noise impacts from the proposed Facility, and the mitigation measures to be implemented to minimize such impacts.

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 the proposed Facility.

Assessment of Nearby Land Uses of Particular Concern to Community

Land uses of particular concern to the community include residential areas, schools, civic facilities, recreational facilities, commercial areas, and public lands. The Facility will have no direct impact on schools, civic facilities, and recreational facilities (i.e., they will not be removed or physically modified in any way). There will also be no impacts to commercial areas. Impacts to areas classified as residential by the NYSORPS will total 91.4 acres, of which 77.6

acres will be temporarily impacted (subject to restoration following construction) and 13.8 acres will be converted to built facilities.

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

The proposed Facility will use above-ground interconnect lines where the usage of underground lines would cause greater environmental impacts and/or is cost prohibitive, including (but not limited to) along the edges of agricultural fields, and crossing steep terrain, streams, wetlands, and public roads. Facility-wide, the two overhead collection line segments total approximately 3 miles (8%) of the 36 miles of collection line associated with the Facility. In both cases, these segments run between separate turbine strings, crossing the valleys between ridgelines. Specific information is provided below regarding the location, land cover, and land use for each segment of overhead collection line:

- Between T13 and T29 – This section of overhead line is 1.8 miles, with approximately 0.9 mile located within the existing cleared right-of-way along Cohocton Loon Lake Road. It passes through land classified by NYSORPS as agricultural, residential, and vacant. Existing land cover consists of active agricultural land, forestland, successional shrubland, and disturbed/developed.
- Between T46 and T81 – This section of overhead line is 1.1 miles, with approximately 0.25 mile located within the existing cleared right-of-way along Derevees Road. It passes through land classified by NYSORPS as residential and vacant, and crosses State Route 21. Existing land cover consists of active agricultural land, forestland, successional shrubland, and open water.

Wetland and stream impacts have been calculated for all components of the proposed Facility, which are described and quantified in Exhibits 22 and 23. Specific to the wetland and stream impacts due to the Facility's above-ground interconnect lines, no such impacts are currently anticipated due to the commitment to employ certain construction techniques to avoid impacts (e.g., span over wetlands and utilize timber mats to cross during construction). As a result of an overhead collection line proposed to cross a NYSDEC-regulated wetland (HK-3), it is anticipated that approximately 0.86 acre of forest conversion will occur in the NYSDEC-regulated adjacent area. Please see Exhibits 22 and 23 for additional detail.

Table 4-6 below summarizes the impact the Facility's above-ground interconnect lines will have on agricultural district land, land use, and forestland. The soil impacts column represents impacts from the pole bases, while the vegetation impacts column represents right-of-way, which will be cleared initially and then maintained as successional communities. The full impacts from the proposed Facility (i.e., from all Facility components) are presented elsewhere

in this Application. See Exhibit 22 for more information about impacts to forestland. Full impacts to agriculture district lands are presented in this Exhibit in Table 4-1, while full land use impacts are presented in Table 4-4.

Table 4-6. Summary of Impacts from Above-Ground Interconnect Lines

| | Soil Impacts | Vegetation Impacts | Total Impacts |
|------------------------------------|--------------|--------------------|---------------|
| Agricultural District Lands | | | |
| District 5 | 5.5 | 19.1 | 24.6 |
| District 7 | 0.5 | 1.6 | 2.1 |
| Total | 6.0 | 20.7 | 26.7 |
| Land Use | | | |
| Residential | 3.9 | 13.9 | 17.8 |
| Vacant | 2.3 | 6.9 | 9.2 |
| Agricultural | 1.8 | 6.7 | 8.5 |
| Unassigned | 0.1 | 0.5 | 0.6 |
| Total | 8.1 | 28.0 | 36.1 |
| Forestland | | | |
| Forest | 4.8 | 16.5 | 21.3 |
| Successional Shrubland | 1.0 | 4.4 | 5.4 |
| Total | 5.8 | 20.9 | 26.7 |

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

The Facility includes a total of approximately 36 miles of collection line. As described above, approximately 3 miles of this collection line will be installed on overhead poles. The remaining 33 miles (92%) of the Facility's collection lines will be buried underground. There is a total of 2,369 acres within 300 feet of an underground collection line, of which approximately 32 acres (1%) consists of public road rights-of-way that are not part of any parcel, and as such, have no NYSORPS land use code. Land use for the remaining 2,337 acres has been classified by the NYSORPS as follows: agriculture, 1,616 acres (68%); residential, 406 acres (17%); vacant land, 236 acres (10%); wild, forested, conservation lands, and public parks, 63 acres (3%), and unassigned, 16 acres (1%). Approximately 1,917 acres (81%) 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 be conducted in accordance with the NYSDAM *Guidelines for Agricultural Mitigation for Wind Power Projects*. Therefore, permanent land use impacts associated with underground

interconnects are not anticipated. To minimize impacts in forested land, buried underground interconnect will be placed in areas of existing disturbance (e.g., existing forest logging roads) to the maximum extent practicable.

(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, 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. This mapping was prepared using 0.5-meter resolution natural color orthoimagery from the U.S. Department of Agriculture's (USDA) National Agriculture Imagery Program (NAIP) captured during the 2015 growing season.

(n) Aerial Photograph Overlays

Figure 4-9 illustrates the Facility components overlaid on aerial photographs, along with the proposed limits of vegetation and soils disturbance. These maps were created using ArcGIS software. Line symbols are used to depict the centerlines of proposed access roads and overhead and buried electrical collection lines; point symbols to depict turbine and permanent meteorological tower locations; and polygon symbols to depict substations, the O&M building, and construction laydown areas. Buffers around each Facility component show the limits of clearing and disturbance required (e.g., 20-foot permanent width and 60-foot temporary soil and 75-foot temporary vegetation width for access roads), based on Table 22-1.

(o) Source of Aerial Photographs

Figure 4-9 was prepared using 0.5-meter resolution natural color orthoimagery from the USDA's NAIP captured during the 2015 growing season. There were no changes to land use since the date of the aerial photography.

(p) Community Character

The Facility is proposed to be located in a rural portion of Steuben County, which is characterized by a mix of agricultural and forested land as well as existing wind farm projects in the Towns of Howard and Cohocton. According to the *Steuben County Agricultural & Farmland Protection Plan*, "agricultural land uses include over 253,000 acres or 28% of the county's land area. The three largest land uses include agricultural vacant land, field crops and dairy production which account for 88% of all agricultural land uses." The Plan goes further to state

“Steuben County is primarily comprised of farms of less than 100 acres (52%). Farms of 100-500 acres comprise 44% of the county, and only 4% are over 500 acres. While large farming operations are located throughout the county, the largest concentration can be found in the northwestern Towns of Howard, Cohocton, and Wayland.”

The proposed Facility is consistent with the largely rural agricultural character of the surrounding community. Approximately 6,477 acres of the 8,500-acre Facility Site are enrolled in a NYSDAM certified agricultural district. The proposed Facility will permanently disturb only 104.4 acres (approximately 1.6%) of this certified agricultural land. The remainder of the land can continue to be farmed, preserving the character of the towns as farming communities. Moreover, as previously noted, the lease payments made to farmers will supplement their income, potentially preserving their ability to continue farming long-term and enhancing the opportunity to protect the agricultural nature of the communities hosting the Facility.

As discussed in Exhibit 19, operation of the wind turbines and other Facility components will have noise impacts. However, these impacts will be minor and will not affect the character of the community. Operational noise levels of the Facility will be in compliance with ordinances established by local laws and noise levels recommended by WHO guidelines (the Facility design goals). In addition, the Facility has been designed to avoid and minimize noise impacts by adhering to established setbacks.

The Facility will introduce new visible elements (i.e., wind turbines) into the existing landscape, which could be considered a change in community character for the primarily rural residential areas that surround the Facility Site. However, the visibility and visual impact of the wind turbines will be highly variable based on distance, number of turbines in the view, weather conditions, sun angle, extent of visual screening from topography and vegetation, scenic quality, viewer sensitivity and/or existing land uses. It should be noted that the host municipalities have adopted regulations for the purpose of promoting the effective and efficient use of the local wind resource by allowing wind turbines as a permitted use with a special use permit. Creation of a special use is a determination by a town's legislative body that a use is compatible with the community.

Evaluation by registered landscape architects indicates that the Facility's overall contrast with the visual/aesthetic character of the area will generally be minimal to moderate. However, based on the contrast rating scores and comments, greater levels of contrast can be anticipated where open views of large numbers of turbines are available from, open water, and areas of concentrated human use/settlement. Conversely, contrast is reduced when turbines are partially screened, viewed at greater distances, seen in the context of a working agricultural landscape, viewed in a setting with existing visual clutter or, co-located with an operating project. Based on experience with currently operating wind power projects elsewhere, and the apparent lack of controversy associated with this Project, public

reaction to the Baron Winds Facility is likely to be generally positive, but highly variable based on proximity to the turbines, the affected landscape, and personal attitude of the viewer regarding wind power. High contrast also does not always indicate adverse visual impact. The panel of landscape architects evaluating the Facility indicated that, even where visual contrast was appreciable, the turbines were generally compatible with existing land use and viewer activity. As Stanton (1996) notes, although a wind power project is a man-made facility, what it represents "may be seen as a positive addition" to the landscape. For more information the anticipated visual impacts of the Facility, see Exhibit 24 of this Application.

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.
- Keeping turbines a minimum of 1,500 feet from off-site (non-participating) residences to minimize noise and visual impacts.
- Locating access roads and turbines to avoid or minimize disturbance of agricultural land, wetlands, and streams.
- Using existing roads for turbine access whenever possible to minimize disturbance to agricultural land, wildlife habitat, wetlands, and streams.
- Burying electrical interconnection lines between turbines to the maximum extent practicable.
- Implementing agricultural protection measures to avoid, minimize, or mitigate impacts on agricultural land and farm operations.
- Working with the New York State historic preservation office to determine and implement, as needed, mitigation measures for historic resources.
- Consulting with various stakeholders to determine visually-sensitive resources and incorporate questions and concerns.
- Complying with the host municipalities' substantive laws regarding the construction and operation of the Facility.

There are also numerous Facility-specific studies attached to this Application, such as a Visual Impact Assessment (see Exhibit 24), Noise Impact Assessment (see Exhibit 19), Cultural Resources Studies (see Exhibit 20), and a Shadow Flicker Assessment (see Exhibits 15 and 24). In addition to evaluating potential effects on their respective resources, these studies can also be used to evaluate the Facility's potential effects on community character. See also Exhibit 25 of this Application for a discussion of Facility impacts on transportation, including any effect the Facility might have on the municipal airports operated by the City of Hornell and the Town of North Dansville, and a

private heliport in the Village of Cohocton. 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.

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