



Exhibit 24: Local Laws and Ordinances

Cider Solar Farm
Towns of Oakfield and Elba
Genesee County, New York

Matter No. 21-01108

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Abbreviations

CLCPA	Climate Leadership and Community Protection Act
L-C District	Land Conservation District
MW	megawatt
MWh	megawatt-hours
NYCRR	New York Codes, Rules, and Regulations
ORES	Office of Renewable Energy Siting
R&A	Residential-Agriculture

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Glossary of Terms

Applicant	Hecate Energy Cider Solar LLC
Project	Refers to the proposed Cider Solar Farm, an up to 500-megawatt utility scale solar project that will be comprised of photovoltaic panels, inverters, access driveways, electrical collection lines, point of interconnection/substation, construction staging areas, fencing and plantings, located on private land in the towns of Elba and Oakfield, Genesee County, New York.
Project Area	Refers to the Project Site and surrounding/adjacent land totaling approximately 7,518 acres.
Project Footprint	Refers to the limit of temporary and permanent disturbance within the Project Site caused by the construction and operation of all components of the Project totaling approximately 2,452 acres.
Project Site	Refers to those privately owned parcels under option to lease, purchase, easement or other real property interests with the Applicant in which all Project components will be sited totaling approximately 4,650 acres.

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The content of Exhibit 24 is provided in conformance with Chapter XVIII, Title 19 of the New York Codes, Rules, and Regulations (NYCRR) § 900-2.25, as follows.

Throughout the pre-application development phase of the Project, the Applicant consulted with the municipalities regarding the requirements, which are the subject of this Exhibit, to determine whether such requirements have been correctly identified. The Project is proposed in the Towns of Elba and Oakfield, both in Genesee County. The local law provisions identified herein are contained in the Zoning Laws of the Town of Elba and the Oakfield Zoning Ordinance.

On April 8, 2021, the Town of Elba enacted Local Law No. 1 of 2021, a Local Law to Repeal the Town of Elba Solar Energy Law and Amend the Town of Elba Zoning Law to Add Regulations for Solar Energy Systems. When the Applicant began the pre-application consultation process, it did so under the previously enacted Solar Energy Law, Local Law No. 1 of 2020. Therefore, during consultation with local officials and public meetings, the Applicant identified how the Project would comply with Local Law No. 1 of 2020. This consultation with local officials continued throughout the Town of Elba's legislative process, including attendance at work sessions, review and comment on draft local laws, and attendance at public hearings. The substantive provisions below are based upon the recently enacted local law, Local Law No. 1 of 2021, which in part resulted from successful consultation with host communities as required by the regulations.

Fifteen Project parcels are located or partially located in the Land Conservation (L-C) District in the Town of Oakfield. Pursuant to Oakfield's Zoning Ordinance, public utilities are not permitted uses in the Land Conservation District. The Applicant consulted with the Town of Oakfield regarding the zoning requirements of the L-C District and the zoning requirements for the remainder of the Project Area, which is located in the Residential-Agriculture (R&A) District where public utilities are a permitted use. During the preparation of this Application, the Town of Oakfield introduced a Local Law Modifying the Boundaries of the R&A District to include additional parcels currently located in the L-C District. The local law would include the Project parcels currently located in the L-C District in the R&A District. The local law is continuing through the Town's legislative process and the Town Board anticipates voting to pass the local law in July 2021; however, because the local law is not yet effective at the time of Application submission, the Applicant is required to apply the law as it currently exists in Oakfield and thus the Office of Renewable Energy Siting (ORES) not apply the L-C District use restriction, as set forth below. Upon the passage of the local law, the Applicant will amend this Application and will no longer request ORES not apply the L-C District restrictions, as those restrictions will then no longer be applicable to the Project.

a) List of Applicable Substantive Local Laws and Ordinances

Below is a list of applicable local laws, ordinances, resolutions, standards and other requirements applicable to the construction or operation of the Project, including interconnection electric transmission lines, which are substantive in nature. The Applicant does not request that the Office elect not to apply these substantive provisions; accordingly, the following requirements will apply to the proposed Project.

The location of the Project as proposed conforms to all properly enacted and officially adopted local substantive requirements, except those listed in Section(c) below, which the Applicant requests that ORES not apply.

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Town of Elba

Local Law No. 1 of 2021 (“Solar Zoning Law”)

- Section 413(F)(4)(c): Underground Requirements
- Section 413(F)(4)(d): Vehicular Paths
- Section 413(F)(4)(e): Signage
- Section 413(F)(4)(f): Glare
- Section 413(F)(4)(g): Lighting
- Section 413(F)(4)(h): Tree-cutting
- Section 413(F)(4)(i): Lot Size
- Section 413(F)(4)(j): Setbacks
- Section 413(F)(4)(k): Height
- Section 413(F)(4)(l): Lot Coverage
- Section 413(F)(4)(m): Fencing Requirements
- Section 413(F)(4)(n): Noise
- Section 413(F)(4)(o): Screening and Visibility
- Section 413(F)(4)(p): Agricultural Resources
- Section 413(F)(5): Decommissioning
- Section 413(F)(2)(m): Decommissioning Plan
- Section 413(F)(2)(l): Vegetation Management Plan
- Section 413(F)(2)(j): Property Operation and Maintenance Plan
- Section 413(F)(2)(k): Erosion and Sediment Control and Storm Water Management Plans
- Section 413(F)(7): Solar Development in Agricultural Districts

Town of Oakfield

Solar facilities in the Town of Oakfield are subject to the Oakfield Zoning Ordinance. The Zoning Ordinance does not specifically regulate solar facilities; however, the Zoning Ordinance permits the construction of public utility uses in Residential Agricultural Districts with a Special Use Permit.

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Accordingly, the following substantive zoning requirements are generally applicable to the construction of public utilities in the Town of Oakfield.

Town of Oakfield Zoning Ordinance

- Section 510.1: Application for a Special Use Permit
- Section 421.5: Visibility at Intersections
- Section 412.8: Buffer Areas

In discussions with the Town, it was brought to the Applicant's attention that the Town sought to enact a Solar Ordinance in 2018, utilizing the procedures set forth in Town Law § 264 as opposed to adoption of a local law as governed by the Municipal Home Rule Law. The Town Board passed a resolution on September 11, 2018, adopting "amendments to zoning regarding solar farms;" however, neither the amendments nor a copy of the Solar Ordinance was included within the meeting minutes for the meeting at which the resolution was adopted, which is a requirement for such adoption. The Applicant conducted a diligent review of newspaper archives and was not able to locate notice of the Solar Ordinance. Accordingly, the Applicant does not believe that the Solar Ordinance was properly enacted under New York Town Law § 264 and thus, the Applicant does not believe that the Solar Ordinance is effective. This understanding has been confirmed during consultation with members of the Town Board and the Town Clerk. Discussions with Town Board members indicated that the Town does not intend move forward with the Solar Ordinance, meaning it is not applicable to the Project. However, out of an abundance of caution and to ensure a complete Application, Hecate Energy Cider Solar LLC will nonetheless address it herein. If effective, the Solar Ordinance would prohibit the construction of solar facilities in any district in the Town other than the Industrial District, which comprises only 20 parcels, which are already heavily developed. The Industrial District comprises only 928 acres, which is significantly smaller than the Project Area. Except for the general prohibition of solar facilities outside of the Industrial District, the proposed Project would comply with the substantive provisions of the Solar Ordinance in all other respects. Even if the Solar Ordinance were effective, or if the Town of Oakfield were to re-adopt it and/or complete the procedures required to make it effective and thus applicable to the Project, the Applicant would request that the Office not apply the substantive provisions of the Solar Ordinance, as described in Section (c) below; the provisions limiting any solar projects to the small Industrial District would effectively prohibit and thereby be unreasonably burdensome in view of the Climate Leadership and Community Protection Act (CLCPA) targets and the environmental benefits of the proposed facility, not only for the Project but for any large-scale project that sought to be sited in the Town.

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Town of Oakfield Solar Energy Facilities – Recommended Zoning (Solar Ordinance)¹

- Section (IV)(B)(1): Height and Setback Restrictions
- Section (IV)(B)(2): Design Standards
- Section (IV)(B)(3): Signs
- Section (IV)(B)(4): Areas of Potential Sensitivity
- Section (IV)(B)(5): Property Operation and Maintenance Plan
- Section (IV)(B)(6): Abandonment

b) List of Substantive Local Laws and Ordinances Related to Interconnection to and Use of Water, Sewer, or Telecommunication Lines

The Applicant has determined that there are no substantive requirements related to the interconnection to or use of water, sewer, or telecommunication lines in public rights-of-way that are applicable to the Project.

c) List of Substantive Local Laws and Ordinances that the Applicant Requests that the Office Not Apply

It is the Applicant's intent and desire to comply with all substantive local laws and ordinances. In fact, the Project will comply with all local laws and ordinances in the Town of Elba. However, with respect to Oakfield, there are some substantive provisions of the local zoning ordinances that are simply unworkable for the Project and are unreasonably burdensome under the statute and regulations, either because they preclude construction of the Project entirely or, if applied to the Project, would cause a more significant impact on the community or the environment than if the requirement were not applied. For the reasons set forth below, the Applicant requests that the Office not apply the following substantive requirements as they are unreasonably burdensome in view of the CLCPA targets and the related environmental benefits of the Project.

The Applicant has executed a contract with NYSERDA to sell the renewable attributes associated with generation from the Project. By adding 500 megawatts (MW) of clean, renewable solar power to New York's energy mix, the Project would significantly contribute to the CLCPA targets of achieving 70%

¹ As noted above, the Applicant has determined, as confirmed with the Town of Oakfield, that the Town's Solar Ordinance was not properly enacted under New York Town Law § 264 and, thus, is not effective and does not apply to the Project. Nonetheless, the Applicant has identified the substantive provisions of the Solar Ordinance that would be applicable, contingent upon a determination that the Solar Ordinance is effective, or a subsequent adoption by the Town. In consultation with local agency officials, the Town of Oakfield identified a document entitled, "Solar Energy Facilities – Recommended Zoning" on its Town website as the "Solar Ordinance." As neither the amendments nor a copy of the Solar Ordinance was posted with the meeting minutes from the September 11, 2018, Town Board meeting where the Town Board passed a resolution adopting "amendments to zoning regarding solar farms," it is unclear whether this document was the subject of the resolution. See <https://townofoakfieldny.com/wp-content/uploads/2019/09/Solar-Energy-Facilities-Rev.3-002.pdf>, a copy of which is included in Appendix 24-A.

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renewable generation by 2030, zero emissions from statewide electrical demand by 2040, and an 85% reduction in greenhouse gas emissions by 2050. It is the Applicant's position that the needs of consumers for the Project and the Project's contribution to achieving the CLCPA targets outweighs the burdens caused by the requirements, as described below.

Town of Oakfield

Oakfield Zoning Ordinance

- Section 425: Land Conservation – L-C,
“(A) Permitted Uses
 - (1) Farms and related farming activities provided that no off-premise manure shall be stored within one hundred (100) feet of a property boundary.
 - (2) Farm water supply, conservancy and fire protection ponds located not less than one hundred (100) feet from any street or property line.
 - (3) Accessory uses and buildings incidental to and on the same lot as the principal use, as follows:
 - (a) Customary farm buildings for the storage of products or equipment located on the same parcel as the primary use.
 - (b) Customary farm buildings for housing farm animals shall not be located less than one hundred (100) feet from the adjoining zone.
- (B): Uses Permitted with Special Use Permit:
 - (1) Dog Kennels.”

Section 425 of the Oakfield Zoning Ordinance prohibits public utility uses, including solar energy facilities, in the zoning district, as uses not specifically permitted are prohibited.

Pursuant to 19 NYCRR § 900-2.25(c) and Executive Law § 94-c, ORES may elect to not apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that, as applied to the Project, it is “unreasonably burdensome in the view of the CLCPA targets and the environmental benefits of the proposed facility.” Such finding shall be based on the degree of burden caused by the requirement, why the burden should not reasonably be borne by the applicant, that the request cannot reasonably be obviated by design changes to the facility, that the request is the minimum necessary, and that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with the applicable requirements of 19 NYCRR Part 900. Pursuant to 19 NYCRR § 900-2.25(c)(3), the needs of consumers for the facility outweigh the impacts on the community that would result from refusal to apply the identified local substantive requirements.

As the Zoning Ordinance does not expressly permit solar projects or public utility uses in the Land Conservation District, neither solar projects nor public utility uses are permitted in this District. This provision would prohibit the construction of approximately 13% of the Project, which would decrease the capacity of the Project by 65/MW. It should be noted

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that the Town allows public utility uses in the R&A District which borders the L-C District. The Town has not made meaningful distinctions between those two zoning districts over the past decades. In fact, land uses in the L-C District mirror those in the R&A District, where public utility uses are permitted. In addition, the Project Area proposed to be located in the L-C District also includes existing public utility uses, including a gas compressor station and a transmission line. Accordingly, construction of the Project in this portion of the L-C District will not result in a departure from the existing uses of land and the character of the community.

Further, the restrictions imposed by this provision cannot reasonably be obviated by design changes to the facility, as the Applicant has consulted with the Town of Oakfield in designing the Project in a manner that will create environmental benefits while avoiding or minimizing environmental impacts in accordance with requirements of 19 NYCRR Part 900. Specifically, the in the L-C District, the Project temporary and permanent impacts are similar in nature to the impacts proposed in other areas of the Project. The Applicant conducted extensive siting and routing alternatives to minimize impacts to sensitive resources including wetlands, streams and wildlife habitat; apply setbacks to residences and roadways; and minimize clearing of successional shrubland and forestland. If the restrictions imposed by this provision prohibited the development of the Project in the L-C District, the direct and indirect economic benefits to the municipality and the local landowners would not be realized.

Further, the 500 MW capacity of the Project is equivalent to 400,000 tons of avoided carbon dioxide emissions per year, or the equivalent of removing 89,000 cars from the road. The Project is capable of safely supplying 920,000 megawatt-hours (MWh) of renewable electricity per year to power over 125,000 average New York households, which is more than the amount of energy needed to power every household in Genesee County. These significant environmental benefits will benefit the entire State of New York in contributing to the CLCPA targets and enabling achievement of the public health and economic goals of that legislation, as well as consumers who will benefit from the additional supply of clean, renewable electricity onto the State's electric grid.

Recognizing that the Project is consistent with the land uses in this area of the L-C District, the Town of Oakfield has introduced a local law that would rezone this portion of the L-C District to be included within the neighboring R&A District, where public utility uses are expressly permitted. Once adopted, this would render the L-C zoning restrictions inapplicable to the Project.

- Section 411.1: One Principal Building and Use Per Lot

“There shall not be more than one principal structure and one principal use on any one lot in the following districts: Land Conservation (LC), Residential-Agriculture (R&A), General Residential (R), Commercial (C).”

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Pursuant to 19 NYCRR § 900-2.25(c) and Executive Law § 94-c, the Office may elect to not apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that, as applied to the Project, it is “unreasonably burdensome in the view of the CLCPA targets and the environmental benefits of the proposed facility.” Such finding shall be based on the degree of burden caused by the requirement, why the burden should not reasonably be borne by the applicant, that the request cannot reasonably be obviated by design changes to the facility, that the request is the minimum necessary, and that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with the applicable requirements of 19 NYCRR Part 900. Pursuant to 19 NYCRR § 900-2.25(c)(3), the needs of consumers for the facility outweigh the impacts on the community that would result from refusal to apply the identified local substantive requirements.

Approximately 88% of the Project Area comprises agricultural land. Consistent with the agricultural land use, 10 parcels are particularly large and have at least one principal structure, such as a residence, or one associated with a farm operation. Applying this provision would prevent construction of the Project as a whole because the Applicant would be prohibited from constructing the Project on parcels where there is an existing agricultural use, building, structure, or other associated use. In fact, many parcels within the Project Area currently have more than one structure. Applying this requirement to the Project would be contrary to the zoning that exists on these parcels and would be unduly burdensome in light of the CLCPA targets. Indeed, this provision does not seem to be uniformly enforced, as its plain language would prohibit residential uses of property on properties that contained agricultural uses and structures as both would constitute a principal use. The restrictions imposed by this provision cannot reasonably be obviated by design changes to the facility, as the Applicant has consulted with the Towns of Elba and Oakfield in designing the Project in a manner that will create environmental benefits while avoiding or minimizing environmental impacts in accordance with requirements of 19 NYCRR Part 900. Specifically, the capacity of the Project is equivalent to 400,000 tons of avoided carbon dioxide emissions per year, or the equivalent of removing 89,000 cars from the road. The Project is capable of safely supplying 920,000 MWh of renewable electricity per year to power over 125,000 average New York households, which is more than the amount of energy needed to power Genesee County. The environmental benefits of the Project will benefit the State of New York in contributing to the CLCPA targets, as well as consumers who will benefit from the additional supply of clean, renewable electricity onto the State’s electric grid. The needs of consumers outweigh any impacts to the community that may result from refusal to apply this requirement.

- Section 520: Parking

“Every building or structure erected, altered or extended must provide parking facilities or vehicle storage. An off-street parking space shall measure no less than ten (10) feet in width and twenty (20) feet in depth and include sufficient space for aisles and

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maneuverability. All parking areas, passageways, and driveways shall be surfaced with a dustless, durable, all-weather pavement clearly marked for car spaces and shall be adequately drained, all subject to the approval of the Planning Board. No driveway providing access to an off-street parking area shall be located closer than fifty feet to the intersection of public streets.”

Pursuant to 19 NYCRR § 900-2.25(c) and Executive Law § 94-c, the Office may elect to not apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that, as applied to the Project, it is “unreasonably burdensome in the view of the CLCPA targets and the environmental benefits of the proposed facility.” Such finding shall be based on the degree of burden caused by the requirement, why the burden should not reasonably be borne by the applicant, that the request cannot reasonably be obviated by design changes to the facility, that the request is the minimum necessary, and that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with the applicable requirements of 19 NYCRR Part 900.

This general requirement is not applicable to the Project. Access roads will be utilized for the limited purpose of construction and operation. The Project will be secured from public access by a security fence and other measures, in accordance with 16 NYCRR § 900-2.7(b). Accordingly, there is no need for the Applicant to provide off-street parking spaces designed for public use (*i.e.*, all weather pavement with sufficient space for aisles and marked for car spaces). Implementing this requirement would create a negative environmental impact on the Project site by increasing the amount of impervious surface, and would increase the cost of the Project for consumers by requiring that the Applicant secure additional land rights for the construction of parking spaces. As this provision of Oakfield’s Zoning Ordinance is intended as a general standard for public utility uses, not applying this requirement would avoid the need for the Applicant to comply with a standard inapplicable, and unreasonably burdensome if applied, to a utility-scale solar facility.

Oakfield Solar Ordinance²

- Section (IV)(B):

“A major system may be permitted in the areas which as Industrial Zoned only. All major systems require a special use permit from the Planning Board subject to the terms and conditions listed below.”

Pursuant to 19 NYCRR § 900-2.25(c) and Executive Law § 94-c, the Office may elect to not apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it makes a finding that, as applied to the Project, it is “unreasonably burdensome in the view of the CLCPA targets and the environmental benefits of the

² The Applicant’s request in this respect is contingent upon a determination that the Solar Ordinance is effective, or a subsequent adoption by the Town.

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proposed facility.” Such finding shall be based on the degree of burden caused by the requirement, why the burden should not reasonably be borne by the applicant, that the request cannot reasonably be obviated by design changes to the facility, that the request is the minimum necessary, and that the adverse impacts of granting the request shall be mitigated to the maximum extent practicable consistent with the applicable requirements of 19 NYCRR Part 900. Pursuant to 19 NYCRR § 900-2.25(c)(3), the needs of consumers for the facility outweigh the impacts on the community that would result from refusal to apply the identified local substantive requirements.

As the Solar Ordinance prohibits the construction of the Project in all areas of the Town except a small portion zoned Industrial, applying this requirement would prohibit construction of the Project. While the Applicant maintains that the Solar Ordinance was not properly adopted and therefore, ineffective, to the extent the Town may assert in the future that the Solar Ordinance is effective or take further actions such as re-adoption and/or completing the required procedures to make it effective, the Applicant requests that this requirement be waived because limiting Major Solar Collection Systems to an area of the Town that is smaller than the Project Area (or any areas needed for a wind or solar project subject to Section 94-c) and already heavily developed is unduly burdensome in light of the CLCPA targets. It is simply impossible to locate any large scale solar facility in the Town’s Industrial Zoning District, the only district where it is permitted. Notably, the Solar Ordinance recognizes that solar facilities should be permitted in all zoning districts by incorporating a specific finding by the Town Board that “it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life. Solar energy systems are appropriate in all zoning districts when measures are taken, as provided in this chapter, to minimize adverse impacts on neighboring properties and protect the public health, safety, and welfare.” Nonetheless, the Solar Ordinance only allows them where they cannot be constructed. The restrictions imposed by this provision cannot reasonably be obviated by design changes to the facility, as the Applicant has consulted with the Town of Oakfield in designing the Project in a manner that will create environmental benefits while avoiding or minimizing environmental impacts in accordance with requirements of 19 NYCRR Part 900. Specifically, the capacity of the Project is equivalent to 400,000 tons of avoided carbon dioxide emissions per year, or the equivalent of removing 89,000 cars from the road. The Project is capable of safely supplying 920,000 (MWh of renewable electricity per year to power over 125,000 average New York households, which is more than the amount of energy needed to power Genesee County. The environmental benefits of the Project will benefit the State of New York in contributing to the CLCPA targets, as well as consumers who will benefit from the additional supply of clean, renewable electricity onto the State’s electric grid. The needs of consumers outweigh any impacts to the community that may result from refusal to apply this requirement.

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d) Summary of Substantive Local Requirements

Table 24-1: *Summary Table of Substantive Local Requirements* provides a summary of all local substantive requirements identified pursuant to 19 NYCRR § 900-2.25(a) and (b).

Table 24-1: Summary Table of Substantive Local Requirements

Local Requirement	Project Compliance
Solar Zoning Law of the Town of Elba	
<p>Section 413(F)(4)(c): Underground Requirements All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.</p>	<p>The Project will comply with the substantive standards identified in this section because electrical collection lines will be buried at the Project site. The exception includes the short overhead point of interconnection at the New York Power Authority right-of-way. See Exhibit 21: <i>Electric System Effects and Interconnection</i> of this Application.</p>
<p>Section 413(F)(4)(d): Vehicular Paths Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.</p>	<p>The Project will comply with the substantive standards identified in this section. Project related access roads including the minimum linear distance necessary to operate and maintain the Project. Where available, Project access roads will utilize existing farm drives to minimize new impervious surfaces. Access roads are comprised of gravel to reduce erosion and provide safe access, and are considered impervious, however the overall project design minimizes soil compaction where practicable. See Exhibit 5 of this Application.</p>
<p>Section 413(F)(4)(e): Signage (i) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet. (ii) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.</p>	<p>The Project will comply with the substantive standards identified in this section. See Exhibit 6: Public Health, Safety and Security of this Application.</p>
<p>Section 413(F)(4)(f): Glare All Solar Panels shall have anti-reflective coating(s).</p>	<p>The Project will comply with the substantive standards identified in this section because the panels will be covered in an anti-reflective coating. A Glare Hazard Analysis is attached as Appendix 8-B of this Application.</p>
<p>Section 413(F)(4)(g): Lighting Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably</p>	<p>The Project will comply with the substantive standards identified in this section, utilizing the minimal lighting necessary to safely operate and maintain the Project. See Exhibit 8: <i>Visual Impacts</i> of this Application.</p>

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Local Requirement	Project Compliance
shielded and downcast from abutting properties.	
<p>Section 413(F)(4)(h): Tree-cutting Removal of existing trees larger than 6 inches in diameter at the based [sic] of the tree trunk should be minimized to the extent possible.</p>	<p>The Project will comply with the substantive standards identified in this section because tree cutting will be minimized to the extent possible, including those trees larger than 6 inches in diameter at the base of the tree trunk. Avoidance of tree-clearing includes use of horizontal directional drilling for buried electrical collection lines through select forested wetlands. Tree-cutting is described in Exhibit 5: <i>Design Drawings</i> of this Application.</p>
<p>Section 413(F)(4)(i): Lot Size The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix 1 (see Table 1).</p>	<p>The Project will comply with the substantive standards identified in this section. Lot size is described in Exhibit 5 of this Application.</p>
<p>Section 413(F)(4)(j): Setbacks (i) Tier 3 Solar Energy Systems shall meet the following setback requirements: (1) Setbacks from adjacent non-participating residences shall be a minimum of 250 feet. (2) Setbacks from adjacent non-participating residential property lines shall be a minimum of 100 feet. (3) Setbacks from a state roads or highways shall be a minimum of 100 feet from the edge of the right of way. (4) Setbacks from County or Town roads shall be a minimum of 70 feet from the edge of the right of way. (5) Setbacks from adjacent non-participating non-residential property lines shall be a minimum of 50 feet. (ii) Property line and residence setback requirements do not apply to contiguous participating parcels. (iii) Fencing, access roads and landscaping may occur within the setback.</p>	<p>The Project will comply with the substantive setback standards identified in this section. See Exhibit 5 of this Application. Setbacks are illustrated in Design Drawings in Appendix 5-A.</p>
<p>Section 413(F)(4)(k): Height The Tier 3 Solar Energy Systems shall comply with the height limitations provided in Appendix 2 for the underlying zoning district (see Table 2).</p>	<p>The Project will comply with the substantive standards identified in this section. The panels will not exceed 15 feet in height above the ground. Height is described in Exhibit 5 of this Application.</p>
<p>Section 413(F)(4)(l): Lot Coverage (i) Lot coverage of the Solar Energy System, as defined below, shall not exceed the maximum lot coverage requirement of the underlying zoning district. (ii) Lot coverage calculation. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:</p>	<p>The Project will comply with the substantive standards identified in this section. Lot coverage is described in Exhibit 5 of this Application.</p>

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Local Requirement	Project Compliance
<p>(1) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.</p> <p>(2) All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.</p> <p>(3) Paved access roads servicing the Solar Energy System.</p>	
<p>Section 413(F)(4)(m): Fencing Requirements All mechanical equipment, including any structure for Battery Energy Storage Systems, shall be enclosed by a 7-foot high fence with a self-locking gate to prevent unauthorized access.</p>	<p>The Project will comply with the substantive standards identified in this section, as security fencing will be installed around all solar array panels and the project substation Gates will be installed at public accessways. See Exhibit 5 of this Application.</p>
<p>Section 413(F)(4)(n): Noise Noise levels from the Solar Energy System will comply with the noise limits for solar energy facilities contained in the New York Office of Renewable Energy Siting regulations, as may be subsequently amended, at 19 NYCRR § 900-2.8, except that the standards applicable to existing non-participating residences shall also be met for existing participating residences.</p>	<p>The Project will comply with the substantive standards identified in this section. See Exhibit 7: <i>Noise and Vibration</i> of this Application.</p>
<p>Section 413(F)(4)(o): Screening and Visibility Solar Energy Systems larger than 10 acres shall be required to:</p> <p>(1) Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent non-participating properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.</p> <p>(2) Submit a screening and landscaping plan to show adequate screening measures through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practicable from public roadways and adjacent non-participating properties.</p> <p>(3) The screening and landscaping plan shall specify the locations, elevations, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The</p>	<p>The Project will comply with the substantive standards identified in this section. The Applicant conducted an extensive visual assessment of the Project. Further, a detailed screening and landscaping plan has been prepared to provide adequate screening, as illustrated in the Design Drawings in Exhibit 5. See also Exhibit 8 of this Application for an analysis of visual impacts and mitigation.</p>

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<p>landscaped screening shall be comprised of a minimum of 2 evergreen tree species native to New York or naturalized and non-invasive, at least 6 feet tall at the time of planting [sic], plus 4 supplemental native or naturalized and non-invasive shrub species at the reasonable discretion of the Town of Elba Planning Board, all planted within 10 linear feet of the Solar Energy System, or distances deemed practicable by the mature diameter of tree species selected. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. Planted tree and shrub survivorship of less than 75% after two growing seasons or visual screening of less than 75% after five growing seasons as viewed from adjacent non-participating residences will require additional plantings at the expense of the owner/operator.</p>	
<p>Section 413(F)(4)(p) : Agricultural Resources</p> <p>(i) To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland for Farmland or Statewide Importance shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.</p> <p>(ii) Tier 3 Solar Energy System Owners, in consultation with the Genesee County Soil and Water Conservation District, shall develop and implement a vegetation management plan to maintain the landscape screening and native perennial vegetation plantings for the life of the Solar Energy System. Planting plans must seed 80% of the total surface area of all solar panels on the lot with native perennial vegetation. Performance standards and adaptive management guidelines must be included in the plantings plan to ensure continued success.</p>	<p>The Project will comply with the substantive standards identified in this section, and with New York State Department of Agriculture and Markets guidelines. The Applicant has prepared a detailed Agricultural Plan. Additionally, the limit of disturbance will be managed in a meadow condition. See the detailed planting and seeding plan in the Design Drawings in Exhibit 5. See also Exhibit 15: <i>Agricultural Resources</i> of this Application.</p>
<p>Section 413(F)(5): Decommissioning</p> <p>(a) Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed pursuant to the approved decommissioning plan at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town of Elba as set forth in 413(F)(5)(b) herein.</p> <p>(b) Project stakeholders will be notified by the Owner and/or Operator a minimum of six months prior to initiating decommissioning activities. Local, county and state authorities will be notified, as needed, to discuss potential</p>	<p>The Project will comply with the substantive standards identified in this section because the Application includes a <i>Decommissioning and Site Restoration Plan</i> meeting the requirements of this section (see Exhibit 23: <i>Site Restoration and Decommissioning</i> of this Application). The Project will also comply with the substantive standards of this section by providing security in the amount of 125% of the cost of removal and restoration, with a 2% annual escalator. See Exhibit 23 and at Appendix 23-A: <i>Decommissioning and Site Restoration Plan</i> of this Application.</p>

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<p>approvals required to complete decommissioning activities.</p> <p>(c) Security.</p> <p>(i) The deposit, executions, or filing with the Town of Elba Clerk of cash, a bond issued from a surety listed as acceptable sureties on Federal surety bonds in Circular 570 of the U.S. Department of the Treasury, letter of credit, or other form of security reasonably acceptable to the Town of Elba attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal pursuant to the approved decommissioning plan. The amount of the bond or security shall be 125% of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The salvage value of the solar energy equipment shall be accounted for in the estimated cost of implementing the decommissioning plan. The financial security shall be updated every fifth year thereafter specifying changes to the estimated cost of implementing the decommissioning plan.</p> <p>(ii) In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of Elba, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.</p>	
<p>Section 413(F)(2)(m): Decommissioning Plan</p> <p>A decommissioning plan to be implemented upon abandonment or cessation of activity, in conjunction with removal of the facility, prior to issuance of a building permit. The decommissioning plan must ensure that the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to the following:</p>	<p>The Project will comply with the substantive standards identified in this section because the Application includes a Decommissioning and Site Restoration Plan meeting the requirements of this section. See Exhibit 23 and Appendix 23-A of this Application.</p>

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<p>(i) For Solar Energy Systems constructed on Prime Farmland or Farmland of Statewide Importance, the restoration of such Farmland pursuant to the decommissioning and restoration guidelines of the NYS Ag and Markets Solar Energy Project Guidance.</p> <p>(ii) Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of at least 48 inches below the soil surface.</p> <p>(iii) Removal and planned disposal methods of any solid and hazardous waste generated from the decommissioning of the Solar Energy System in accordance with local, state and federal waste disposal regulations.</p> <p>(iv) Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain. For graveled areas and access roads constructed on Prime Farmland or Farmland of Statewide Importance, decompaction of the access road footprint will be performed to a minimum of 24-inches beneath the bottom of the former stone layer, and 12-inches of native topsoil are to be placed to match surrounding grade. Additional topsoil will be added, as necessary, to account for settlement.</p> <p>(v) Restoration of the surface grade and soil after removal of equipment.</p> <p>(vi) Disturbed soils must have subsoils buried and covered by at least 6 inches of native topsoil that is free of large rocks typical of subsoil.</p> <p>(vii) All soil disturbed during decommissioning will be stabilized within two weeks with a perennial grass stabilization mix applied using NYSDEC erosion and sediment control methods and seeding rates applicable for the season, soil type, and slope.</p> <p>(viii) The plan shall include a time frame for completion of site restoration work.</p> <p>(ix) The plan shall include photo documentation of pre-development conditions and/or a detailed description of pre-development land use/conditions at the project site.</p> <p>(x) The estimated cost of the decommissioning plan.</p> <p>(xi) The plan shall be updated as new site restoration strategies or technology are developed/utilized or new regulations or agency guidelines are put in place over the lifespan of the array.</p>	
<p>Section 413(F)(2)(l): Vegetation Management Plan</p>	<p>The Project will comply with the substantive standards identified in this section because the Applicant will</p>

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<p>The applicant shall submit a vegetation management plan consistent with the requirements of Section 413(F)(4)(p)(ii).</p>	<p>provide a Vegetation Management Plan meeting the requirements of this section as part of its pre-construction compliance filing, in accordance with 19 NYCRR § 900-10.2(e)(4).</p>
<p>Section 413(F)(2)(j): Property Operation and Maintenance Plan Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.</p>	<p>The Project will comply with the substantive standards identified in this section because the Applicant will provide a Facility Maintenance and Management Plan meeting the requirements of this section as part of its pre-construction compliance filing, in accordance with 19 NYCRR § 900-10.2(e)(3).</p>
<p>Section 413(F)(2)(k): Erosion and Sediment Control and Storm Water Management Plans Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.</p>	<p>The Project will comply with the substantive standards identified in this section because the Applicant has prepared a Stormwater Pollution Prevention Plan prepared in accordance with the applicable New York State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity and the New York Standards and Specifications for Erosion and Sediment Control. See Exhibit Appendix 13-C: <i>Stormwater Pollution Prevention Plan</i> of this Application.</p>
<p>Section 413(F)(7): Solar Development in Agricultural Districts Real property that is the site of a Tier 3 Solar Energy System that are not On-Farm Solar Energy Systems located in an Agricultural Districts may be assessed a conversion penalty pursuant to Article 25-aa of the New York Agriculture and Markets Law.</p>	<p>The Project will comply with the substantive standards identified in this section. A portion of the Project is located in an Agricultural District. See Exhibit 15 of this Application.</p>
Oakfield Zoning Ordinance	
<p>Section 510.1: Application for a Special Use Permit The location and size of the use, the nature and intensity of the operations involved in, or ducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.</p>	<p>The Project will comply with the substantive standards identified in this section. See Exhibit 3: <i>Location of Facilities and Surrounding Land Use</i> and Exhibit 5 of this Application.</p>
<p>Section 421.5: Visibility at Intersections On a corner lot in any district, no fence, wall, hedge, or other structure or planting more than three feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection, measured along said street lines. The height of three feet shall be measured above the road surface at the nearest edge of road traveled-way. This paragraph shall not apply to existing trees, provided that no branches are closer than six (6) feet to the ground.</p>	<p>The Project will comply with the substantive standards identified in this section. See Exhibit 5 of this Application.</p>

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<p>Section 412.8: Buffer Areas</p> <p>Wherever a buffer strip is required by this Ordinance, it shall meet the following standards:</p> <p>(A) Be at least ten feet in width along any lot line abutting a lot in a residence district.</p> <p>(B) Be of evergreen planting of such type, height and spacing as, in the judgement of the Planning Board, will screen the activities on the lot from view of a person standing at street level on the adjoining residential lot. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.</p> <p>(C) A wall or fence, of location, height, and design approved by the Planning Board, may be substituted for the required planting.</p>	<p>The Project will comply with the substantive standards identified in this section. See Exhibit 8 and Appendix 5-A Civil Design Drawings of this Application.</p>
<p>Oakfield Solar Ordinance³</p>	
<p>Section (IV)(B)(1): Height and Setback Restrictions</p> <p>(a) The maximum height for ground-mounted solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground.</p> <p>(b) The minimum side yard and rear yard setback shall be 25 feet; the minimum front yard setback shall be 50 feet. The minimum setback to an inhabited structure on an adjacent lot shall be 50 feet.</p> <p>(c) Based on site specific conditions, including topography, adjacent structures, and roadways, a landscaped buffer may, at the discretion of the Planning Board and/or Zoning Enforcement Officer, be required around all equipment and solar collectors to provide screening from adjacent residential properties and road but shall not result in shading solar collectors.</p>	<p>The Project will comply with the substantive standards identified in this section. See Exhibit 5 of this Application.</p>
<p>Section (IV)(B)(2): Design Standards</p> <p>(a) Removal of trees and other existing vegetation shall be minimized, and offset with planting elsewhere on the property if the proposed vegetation does not share solar collectors.</p> <p>(b) Roadways within the site shall be constructed to Town standards and of materials appropriate to the site and shall be designed to minimize the extent of roadways constructed and soil compaction.</p>	<p>The Project will comply with the substantive standards identified in this section. See Exhibit 5 of this Application.</p>

³ The Applicant maintains that the Solar Ordinance is ineffective. To the extent the Solar Ordinance is deemed effective or the Town of Oakfield subsequently adopts it in a manner and at a time that would make it applicable to the Project, the Project meets the substantive requirements of the Solar Ordinance described herein.

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<p>(c) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.</p> <p>(d) Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.</p> <p>(e) All electrical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high perimeter fence topped with an additional outward-facing fencing section at the top. Enclosure shall include a self-locking gate and be provided with landscaped screening.</p> <p>(f) A major solar collection system to be connected to the utility grid shall provide documentation from the utility company acknowledging the major solar collection system will be connected to the utility grid in order to sell electricity to the public utility.</p>	
<p>Section (IV)(B)(3): Signs</p> <p>(a) A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.</p> <p>(b) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.</p> <p>(c) Solar collection systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system.</p>	<p>The Project will comply with the substantive standards identified in this section. See Exhibit 5 of this Application, and the Design Drawings, including details, in Exhibit 5-A.</p>
<p>Section (IV)(B)(4): Areas of Potential Sensitivity</p> <p>Areas of Potential Sensitivity shall be shown on site plans and shall be given special consideration. Those areas consist of the following.</p> <p>(a) One-hundred-year flood hazard zones considered an A or AE Zone on the FEMA Flood Maps.</p> <p>(b) Historic and/or culturally significant resources in an historic district or historic district transition zone.</p> <p>(c) Within 100 feet landward of a freshwater wetland.</p> <p>(d) Adjacent to, or within, the control zone of any airport.</p> <p>(e) State owned lands.</p> <p>(f) Unique Natural Areas.</p> <p>(g) Properties with Conservation Easements or owned by a land conservation organization.</p> <p>(h) Public trails.</p>	<p>The Project will comply with the substantive standards identified in this section. Areas of Potential Sensitivity are illustrated in Exhibit 3; Figures 3-1 to 3-9. See also Exhibit 3, Exhibit 9: <i>Cultural Resources</i>, Exhibit 14: <i>Wetlands</i>, Exhibit 15, and Exhibit 16: <i>Transportation Resources</i>.</p>

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<p>(i) Productive farmland and/or Prime Soils and Soils of Statewide Importance, as defined by United States Department of Agriculture.</p>	
<p>Section (IV)(B)(5): Property Operation and Maintenance Plan</p> <p>A property operation and maintenance plan is required, describing continuing solar collection system maintenance and property upkeep, such as mowing and trimming.</p>	<p>The Project will comply with the substantive standards identified in this section because the Applicant will provide a Facility Maintenance and Management Plan meeting the requirements of this section as part of its pre-construction compliance filing, in accordance with 19 NYCRR § 900-10.2(e)(3).</p>
<p>Section (IV)(B)(6): Abandonment</p> <p>(a) All applications for a major solar collection system shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit...</p> <p>(c) The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including but not limited to, the following:</p> <ul style="list-style-type: none"> (i) Removal of aboveground and below-ground equipment, structures and foundations. (ii) Restoration of the surface grade and soil after removal of equipment. (iii) Revegetation of restored soil areas with native seed mixes, excluding any invasive species. (iv) The plan shall include a time frame for completion of site restoration work. Plans shall include an estimated cost schedule and a decommissioning security in the form of bonds to guarantee the availability of funds for the system removal. The bond amount equals the decommissioning and reclamation costs for the entire system. The bond must remain valid until the decommissioning obligations have been met. Therefore, the bond must be renewed or replaced if necessary to account for any changes in the total decommissioning cost. A licensed professional engineer shall estimate decommissioning cost of the system. The cost schedule shall take into account a reasonable rate of inflation. 	<p>The Project will comply with the substantive standards identified in this section because the Application includes a Decommissioning and Site Restoration Plan meeting the requirements of this section. See Exhibit 23 and Appendix 23-A of this Application.</p>

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e) Identification of Municipal Agency Qualified to Review and Approve Building Permits

The towns of Elba and Oakfield have adopted and incorporated the New York State Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code of New York State.⁴ Thus, pursuant to 16 NYCRR § 900-2.25(e), the Applicant may request that the Office expressly authorize the exercise of the electric, plumbing, and building permit application, inspection, and certification processes by the Towns of Elba and Oakfield.

The Zoning Enforcement Officers of Elba and Oakfield have the authority to review, inspect, and examine plans, building, or premises for compliance with the provisions of the Towns' laws and ordinances. The Zoning Enforcement Officers are responsible for certifying compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any applicable local electrical, plumbing, or building code. If necessary, the Zoning Enforcement Officers can hire consultants to assist with review and approval. To the extent the Applicant requests that the Office expressly authorize the exercise the electric, plumbing and building permit application, inspection, and certification processes by the Towns, the Applicant is willing to fund those consultations, to the extent such fees are not paid for from the fund for municipal and local intervenors. Alternately, the Applicant may request to submit the building plans to the Department of State, in order to obtain compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any applicable local electrical, plumbing, or building code. In that case, the Applicant would arrange for the Department's review, approval, inspection, and compliance certification, including any arrangements to pay for the costs for any necessary consultant services to the extent such fees are not paid through the Applicant's application fee.

f) Zoning Designation and Special Permit Standards

Of the 7,518 acres in the Project Area, approximately 4,974 acres is located in the Agricultural – Residential (AR) zoning district in the Town of Elba, 1,514 acres is located in the Residential - Agriculture (R&A) zoning district in the Town of Oakfield, and 1,016 acres is in the Land-Conservation (L-C) zoning district in the Town Oakfield at the time of Application submission. Based on consultation with the Town of Oakfield, the Applicant anticipates that the R&A zoning district will be amended to include the parcels within the L-C zoning district.

Town of Elba

Pursuant to Section 413(F)(1) of the Solar Zoning Law, ground-mounted solar energy systems with system capacity of 25 kW AC or greater are permitted in R&A Districts in the Town through the issuance

⁴ Town of Elba, Local Law No. 2 of 2006, "A Local Law Providing for the Administration of the New York State Uniform Fire Prevention and Building Code," available at https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20150218075531_26/Content/090213438001bd98.pdf; Town of Oakfield, Local Law No. 2 of 2006, "A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code," available at https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20150218075529_25/Content/090213438001c81a.pdf.

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of a special use permit and subject to the site plan application requirements set forth in the Town Zoning Law.

Under the Solar Zoning Law, the criteria by which qualification for a special use permit is to be determined is based on the project's compliance with the substantive provisions of the law, as described above, and approval of a site plan application meeting the requirements of the law after a public hearing on the application and referral to the Genesee County Planning Department pursuant to General Municipal Law § 239-m, if required.

Town of Oakfield

The Oakfield Zoning Ordinance does not expressly regulate solar facilities; however, the Project meets the Zoning Ordinances' definition of a "public utility." Pursuant to Section 421(B), public utility uses are permitted in Residential Agricultural Districts with a special use permit. Public utility uses are not permitted in the L-C District. The Town of Oakfield introduced a local law to amend the boundary of the R&A District to include the Project parcels currently located within the L-C District. Thus, the Applicant anticipates, upon adoption of the local law, that the L-C District regulations will be inapplicable to the Project and will amend this Application accordingly.

Under the Zoning Ordinance, special use permits are issued by the Town Board after a public hearing if all of the following conditions and standards are met:

(501.1) "The location and size of the use, the nature and intensity of the operations involved in, or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located."

(501.2) "The location, nature and height of buildings, walls, fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings."

(501.3) "Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics, than would be the operations of any permitted use not requiring a special permit."

(501.4) "Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety."

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References

- Town of Elba, Local Law No. 1 of 2021, “A Local Law to Repeal the Town of Elba Solar Energy Local Law and Amend the Town of Elba Zoning Law to Add Regulations for Solar Energy Systems,” available at https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20210505060205/Content/09021343802eee22.pdf. Accessed May 20, 2021.
- Town of Elba, Zoning Law (adopted April 14, 1988; revised June 14, 2001). Available at: <http://elbanewyork.com/wp-content/uploads/2018/06/Zoning-Ordinances.pdf>. Accessed May 20, 2021.
- Town of Elba, Local Law No. 1 of 2020, “Solar Energy Local Law”. Available at: https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20200311060035/Content/09021343802ad726.pdf. Accessed May 20, 2021.
- Town of Elba, Local Law No. 2 of 2006, “A Local Law Providing for the Administration of the New York State Uniform Fire Prevention and Building Code”. Available at: https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20150218075531_26/Content/090213438001bd98.pdf. Accessed May 20, 2021.
- Town of Oakfield, Zoning Ordinance. Available at <https://townofoakfieldny.com/wp-content/uploads/2015/11/Oakfield-Zoning.pdf>. Accessed May 20, 2021
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