Key Points to Take Away from: “Don’t Get Shocked: Renting Land for Land-Based Solar Arrays”

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- Installing a solar array on land enrolled in the State’s Agricultural Assessment Program may be considered a conversion under the Agriculture and Markets Law if the energy produced is not used to meet the energy needs of the farm. A penalty may be assessed by the Town Assessor for converting land that is subject to an agricultural assessment to a non-agricultural use. Only the land converted is assessed a fee. The remaining land may still be eligible for an agricultural assessment if acreage and income requirements are met.
- Land that has been converted from agriculture to a different category (solar array) may be able to return to agriculture at the end of the project if the solar array is decommissioned and the land is able to be farmed once again.
- The Contributory Value of the installed equipment may impact the overall assessment of the parcel. Such assessment may affect special benefit district taxes and other taxes such as highway, fire, ambulance, water, library and other types of taxes found on your property tax bills.
- Section 487 of the Real Property Tax Law generally provides a 15-year tax exemption form school, town, village and county taxes on the contributory value of solar arrays. Such units of government may opt-out of this exemption. It is prudent to determine if your school/municipality has opted out of this tax program.

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1. What is NYSERDA & What is NY Sun
2. Large scale solar in NY State
   - Remote Net Metering
   - Community Distributed Generation
   - Large Scale Renewables and the Clean Energy Standard
3. Desirable site characteristics
4. Property Tax Implications
5. Local Zoning and Planning
6. Construction, Maintenance, Removal
Overview of land use tools are available to municipalities to plan for and regulate energy projects
- Include solar energy as part of your comprehensive planning
- Regulatory options include zoning, site plan review, special use permits and subdivision controls
- As part of a review, municipalities may require the submission of a decommissioning plan
- Municipalities may offer general guidance regarding solar project lease agreements

Why are farmers and landowners receiving these contracts now?

What are the dangerous provisions in the contract and why?
- the specific content based problems with the contract and
- the “what if “and open questions raised by the contract.

Basics of how contracts are interpreted and dealt with in the courts – ambiguity, conflicting language, verbal statements outside the contract, arbitration instead of the courts, etc.

Ways to avoid the pitfalls of the contracts:
- You don’t have to sign the exact document you have been offered, nor follow their time lines.
- Suggested changes to the contract starting from fundamental down to smaller details.

Other resources are available at Cornell Cooperative Extension’s Capital Area Ag & Horticulture Program’s webpage at: http://bit.ly/NYS_Rural_Solar

Please look for other information and resources at:
http://blogs.cornell.edu/capitalareaagandhortprogram