

**STEELE COUNTY
PLANNING COMMISSION AGENDA**

Steele County Administration Center – 630 Florence - Owatonna, MN 55060

Monday, May 6th, 2024 at 7:00 p.m. – Steele County Boardroom

1. Call to Order:
2. Pledge of Allegiance
3. Approve Agenda:
4. Approve Minutes: (April 1, 2024)
5. Review of Building Permits
6. County Board Action
 - Review of CUP 250 (Monterey Ballroom)
 - CUP 436 (Prime 34 LLC – Storage Buildings)
7. Public Hearing: CUP 437 (Oeltjenbruns – Solar Sales and Equipment Repair)
8. Public Hearing: CUP 438 (Terpstra – Marine and Powersport Repair)
9. Public Hearing: Renew of CUP 214 (Medford Sand & Gravel North Pit)
10. Public Hearing: IUP 2024-01 (EESolar33 – Busho Site)
11. Adjourn



**STEELE COUNTY
PLANNING COMMISSION MINUTES**

Steele County Administration Center – 630 Florence - Owatonna, MN 55060

Steele County's Mission:

Driven to deliver quality services in a respectful and fiscally responsible way.

Monday, April 1st, 2024, at 7:00 p.m. – Steele County Boardroom

Call to Order:

The meeting was called to order by chair Esplan at 7 pm. Present were Esplan, Lammers, Spatenka, Ingvaldson, Queen, Pool, Commissioner Brady, and staff member Oolman.

Agenda:

Motion by Queen, second by Lammers to approve the agenda as submitted. Motion passed unanimously.

Minutes:

Motion by Ingvaldson second by Spatenka to approve the March 4th, 2024, minutes as submitted. Motion passed unanimously.

CUP #250 (Monterey Ballroom- Outdoor Venue)

This request is from Mike Remick to renew Conditional Use Permit #250 allowing outdoor receptions at the Monterey Ballroom located in the E1/2, SE1/4, SE1/4, Section 33, Owatonna Township. The property address is 4712 South County Road 45.

Questions and comments of the commission.

Ingvaldson- Does the CUP transfer if there were new owners?

Oolman- Yes

The public hearing was opened.

Jerry Katzung Owatonna Township- We have no issues.

As there were no further questions or comments, the public hearing was closed.

Motion by Lammers, second by Spatenka to recommend approving the renewal of CUP #250 with the following conditions:

1. This permit allows the hosting of outdoor private receptions and events including weddings, luaus, groom's suppers, staff parties, family parties, corporate events, reunions, or other similar events.
2. No amplified sound outside before 10:00 am or after 11:00 pm on Sunday thru Thursday and before 10:00 am or after 1:00 am on weekends.
3. The maximum capacity of all indoor and outdoor activities combined shall not exceed the maximum capacity of the building.
4. Outdoor lighting shall not be directed at or illuminate adjacent properties.
5. If alcohol is to be served outdoors its sales must adhere to the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division requirements.

Motion passed unanimously.

CUP #436 (Prime 45 LLC-Storage Buildings)

This request is from Prime 45 LLC to construct three self-storage buildings on property located in the NE1/4 of the NE1/4, Section 29, Clinton Falls Township. The property address is 4500 County Road 45 North.

Questions and comments of the commission.

No comments were made by the commission.

The public hearing was opened.

Gavin with Prime 45 LLC- Commented on the use of the property, and that it's use will not change from what is being done now.

As there were no further questions or comments, the public hearing was closed.

Motion by Ingvaldson, second by Lammers to recommend approval of CUP #436 with the following conditions:

1. The buildings are to be used for storage only. Any change in use of the buildings such as retail, general business, manufacturing, etc. shall not be allowed unless first approved by the Steele County Zoning and Building Departments.
2. Lighting shall not be directed at or directly illuminate neighboring residential properties or the road. Lighting fixtures shall be fully shielded so that light is not emitted above the bottom of the fixture.
3. Dust from all graveled surfaces shall be controlled.
4. Vehicle and truck traffic shall not track material onto the road.

Motion passed unanimously.

IUP 2021-05 (JJD Companies LLC- Bauer Pit)

This request is from JJD Companies LLC to renew IUP 2021-05 allowing the mining of sand and gravel on property located in the NE 1/4, NW 1/4, SE 1/4, Section 29, Somerset Township. The property address is 2483 93rd Street SW and is owned by Jeremy Bauer.

Questions and comments of the commission.

No comments were made by the commission.

The public hearing was opened.

Dan Niles with JJD- explained the process of restoring the property. He would like to continue to mine as he restores the setback so that he can better utilize his trucks to haul material in.

Spatenka- You plan on doing restoring the property this year?

Niles - Yes

As there were no further questions or comments, the public hearing was closed.

Motion by Spatenka second by Lammers to recommend approving the Renewal of IUP 2021-05 with the following conditions:

1. Mining and processing is limited to the areas identified in the application.
2. Mining is limited to a bottom elevation of 1156 feet. (approximately 20 feet deep)
3. Before excavation can begin, the permittee or operator shall furnish bond or other financial surety as approved by the county, for potential haul road repair and for site restoration. The bond or other financial surety shall be in an amount of \$5,000 per permitted acre for a total amount of \$15,000 and remain in place for the length of the permit or until reclamation has been approved by Steele County.
4. Before excavation can begin the permittee shall obtain an access permit from the Steele County Highway Department and comply with all conditions of that permit. This access shall be removed when mining is complete or at the expiration of this permit.
5. The excavation of material shall be setback a minimum of 30 feet from all property lines and road right of way. Any erosion within this setback shall be immediately corrected by the permittee. Overburden may be stored within the setback area but cannot be done in a manner that causes water runoff or siltation onto neighboring property, impedes the natural overland flow of water, or backs water up onto neighboring properties.
6. Equipment shall only be operated between the hours of 6:00 AM and 7:00 PM. Monday thru Saturday.
7. The access shall be gated to deter unauthorized access.
8. Signage warning of truck traffic shall be located along County Road #4 if required by the County Highway Department. The size and placement of these signs shall be at the direction of Steele County Highway Department.
9. Trucks shall not track material from the pit onto the public road.
10. Trucks hauling material to and from this site shall not use "jake brakes"
11. Operator is responsible to maintain dust control in the pit and on the access road so it does not negatively affect neighboring properties or highway traffic.
12. No hazardous material may be stored on the site.
13. Stockpiles of aggregate material shall not be placed in a manner that will impede water flow during a flood event.
14. Any pumping of water shall comply with DNR requirements. Water cannot be discharged directly or indirectly into Judicial Ditch #2 (Straight River)
15. The applicant shall follow their submitted reclamation plan. Final reclamation shall include grading slopes to a 4:1 slope or flatter and replacing topsoil on areas not developed into a pond.
16. This permit remains valid during times when the owner/operator is current on all tax obligations including but not limited to aggregate taxes. In addition, if notified by the Auditor of a delinquency, the owner/operator is required to either pay the tax or file an appropriate challenge within 30 days or else the permit is null and void.
17. Applicant is responsible to obtain and follow all other federal, state, and local permits and regulations including but not limited to NPDES permits, DNR Water Appropriation Permits, and Minnesota Wetland Conservation Act regulations.
18. This permit expires on June 1st, 2026. All reclamation shall be completed unless the permittee has initiated the renewal of this permit before this date.
19. The 30 feet of setback shall be restored along the south and west property line.

Motion passed unanimously.

IUP 2018-04 (JJD Companies LLC Motl Pit)

This request is from JJD Companies LLC to renew IUP 2018-04 allowing the mining and processing of sand and gravel on property located in the SW1/4, SW1/4, Section 5, Blooming Prairie Township. The property address is 4640 SE 118th Street.

Questions and comments of the commission.

Pool- What was the purpose of the phases?

Oolman- This permit was issued before we instituted bonding for reclamation. The thought was that by doing the mining in phases, only a limited amount of area would be open at a time. In reality, it didn't occur that way as different types of materials are located in different areas of the property.

Spatenka- Do they have to close one area before moving on to the next phase.

Oolman- The plan was to begin closing one area before a new phase could be opened.

Spatenka- How many acres is there all together than?

Oolman- The whole property is 40 acres, there are about 20 open right now.

Pool- Wouldn't you bond all the area that is available to be mined?

Oolman- We typically require a bond to cover all of the areas that are to be mined.

The public hearing was opened.

Dan Niles from JJD- Explains how they are restoring areas of the property that have already been mined. Areas to the west were all clay and will not be mined.

Ingvaldson- Do you have more material to haul out of the mined area?

Niles- Yes

Niles also requested the permit be for 4 years instead of 5 years with the bond to remain in place for 5 years instead of six years as six year bonds are a lot more expensive.

As there were no further questions or comments, the public hearing was closed.

Motion by Queen second by Ingvaldson to recommend approving the Renewal of IUP 2018-04 with the following conditions:

1. Mining is limited to the remaining areas identified in the resubmitted site map.
2. Mining is limited to a bottom elevation of 1290 feet.
3. The location and construction of the access shall be approved by the Steele County Highway Department.
4. Signage warning of truck traffic shall be located along the County Road 26. The size and placement of these signs shall be at the direction of the Steele County Highway Department.
5. Equipment shall only be operated between the hours of 6:00 AM and 7:00 PM. Monday thru Saturday.
6. Trucks shall not track material from the pit onto the public road.
7. Trucks hauling material to and from this site shall not use "jake brakes"
8. Operator is responsible to maintain dust control in the pit and on the access road so it does not negatively affect neighboring properties or highway traffic.
9. A 30 foot unexcavated buffer shall remain adjacent to all property lines and road right of ways. Any erosion to neighboring properties as a result of this mine shall be corrected immediately by the applicant.
10. Operator shall maintain the viability of any existing private drainage system at all times during the operation of the pit.

11. Storage piles of recyclable aggregate materials shall not exceed 30,000 cubic yards. These piles shall not remain onsite more than 5 years unless crushed. The State of Minnesota has additional requirements concerning recyclable aggregate stockpiles.
12. Before any excavation can begin, the applicant shall comply with all requirements of the Minnesota Wetland Conservation Act. This may include completing a wetland delineation and submitting a Joint Application form for Activities Affecting Water Resources in Minnesota.
13. The applicant shall follow their submitted reclamation plan. Final reclamation shall include grading slopes to a 4:1 slope or flatter and replacing topsoil.
14. This permit remains valid during times when the owner/operator is current on all tax obligations including but not limited to aggregate taxes. In addition, if notified by the Auditor of a delinquency, the owner/operator is required to either pay the tax or file an appropriate challenge within 30 days or else the permit is null and void.
15. Applicant is responsible to obtain and follow all other federal, state, and local permits and regulations including but not limited to NPDES permits, DNR Water Appropriation Permits, and Minnesota Wetland Conservation Act regulations.
16. Applicant is responsible to initiate renewal proceeding on or before December 31st, 2027 or this permit becomes invalid.
17. The operator must get approval from Blooming Prairie Township before using SE 44th Ave.
18. The permittee or operator shall furnish bond or other financial surety as approved by the county for site restoration. The bond or other financial surety shall be in an amount of \$5,000 per permitted acre for 20 acres for a total amount of \$100,000 and remain in place for 5 years from the from date of issuance of the permit or until the site is reclaimed and the reclamation is approved by Steele County.

Motion passed unanimously.

Adjournment:

Motion by Pool, second by Spatenka to adjourn at 7:50pm.

Staff Report
for
Conditional Use Permit Application #437
Oeltjenbruns – Solar Sales and Equipment Repair

Applicant:

Mark & Jessica Oeltjenbruns

Property Owner(s):

O's Farms Inc.

Property Address:

Not assigned

Project Legal Description:

The South Half of the Southwest Quarter of Section 34, Township 107 North, Range 19 West, excepting therefrom the following:

Commencing at the southeast corner of said Southwest Quarter; thence North 89°53'48" West a distance of 812.96 feet on an assumed bearing on the south line of said Southwest Quarter, to the point of beginning; thence North 89°53'48" West a distance of 577.09 feet on said south line; thence North 00°06'12" East a distance of 428.67 feet; thence South 89°53'48" East a distance of 577.09 feet; thence South 00°06'12" West a distance of 428.67 feet, to the point of beginning.

Said exception containing 5.68 acres, more or less.

AND

Further excepting; Beginning at the northwest corner of the South Half of the Southwest Quarter; thence South 89°51'12" East 295.92 feet along the north line of the South Half of the Southwest Quarter; thence South 00°10'20" West 736.00 feet along a line parallel with the west line of said Southwest Quarter; thence North 89°51'12" West 295.92 feet to the west line of said Southwest Quarter; thence North 00°10'20" East 736 feet to the point of beginning.

Said exception containing 5.00 acres, more or less.

Zoning District:

Agricultural

Project Description:

Mark and Jessica Oeltjenbruns are looking to start a new business adjacent on property adjacent to their rural building site in Section 34 of Havana Township. The business would sell and install solar energy systems. He would also repair other types of equipment and vehicles. The business would be operated from a new 66 feet by 190 feet building located on a separate parcel of land from his home. There may be up to 5 employees eventually in the business with most employees reporting directly to job sites.

Reason for Conditional Use Permit Application:

Section 704.1 of the Steele County Zoning Ordinance allows Agricultural Related Businesses as a conditional use in the agricultural district.

General Criteria for Issuing Conditional Use Permit:

1) The use will not create a burden on parks, schools, streets, public facilities or utilities:

Public facilities used by this development will be electricity and SE 64th Ave. Electricity demand would be consistent other rural building sites. SE 64th Ave. is a gravel township road.

2) The use is compatible, separated, or screening from adjacent agricultural or residential land so as not to depreciate their values or deter development:

The site is predominantly surrounded by agricultural land. The business, if approved, would have not have an effect on neighboring agricultural land. The nearest residential building sites, other than the applicant's, are located 625 feet to the NW and 950 feet to the East. At these distances the proposed business should not have an effect on the residential properties other than potential aesthetics.

3) The appearance will not have an adverse effect on adjacent properties:

The appearance will be a proposed 66 feet x 190 feet building. Outside storage, clutter and security lighting could be an annoyance to neighbors. The planning commission could consider conditions on outside storage or lighting to mitigate these issues.

4) The use is related to the existing land use and the county needs of the county:

The applicant is proposing to subdivide an approximately 3 acre parcel on which to construct his building. The property is currently used as cropland.

5) The use is consistence with the zoning ordinance and zoning district:

The property is zoned as agricultural. The applicant has applied under Section 704.1 of the Zoning Ordinance which allows agricultural related businesses as a conditional use. There is no definition in the ordinance that defines agricultural related business. We have permitted machinery and vehicle repair in the agricultural district by CUP but have never considered a solar sales and installation business. The planning commission will need to determine if this request meets the intended definition of Agricultural Related business.

6) The use will not creation a traffic hazards or congestion:

The proposed business estimates additional traffic to the site would consist of limited truck traffic delivering equipment, passenger vehicle traffic for an estimated 5 employees, and customer traffic for either the repair business or solar sales business.

7) Existing businesses will not be adversely affected because of curtailment of customers trade brought about by intrusion of noise, glare, vibration or other nuisances:

There are no permitted businesses in the area.

8) Adequate utilities, access roads, drainage and other facilities will be provided:

- Utilities: Utilities will be provided by the service provider. The demand is not expected to be any greater than a typical farm site.
- Access: A new access will need to be constructed to the parcel. Havana Township will need to approve the access.
- Drainage: If the proposal creates more than 1 ac. of impervious surface, the MPCA may require additional stormwater measures.
- Septic: A septic system for the proposed building will need to be installed.

Staff Comments:

If the Planning Commission recommends approval of this application, they may wish to consider the following conditions:

1. Building must meet all applicable building codes and accessibility codes.
2. Outside storage must be screened from neighboring residential uses.
3. Lighting shall be directed so that it does not shine directly onto public roads or neighboring residential property.
4. All waste products including but not limited to solvents, paints, oils, and fuels shall be disposed of in a manner approved by the State of Minnesota and Steele County.



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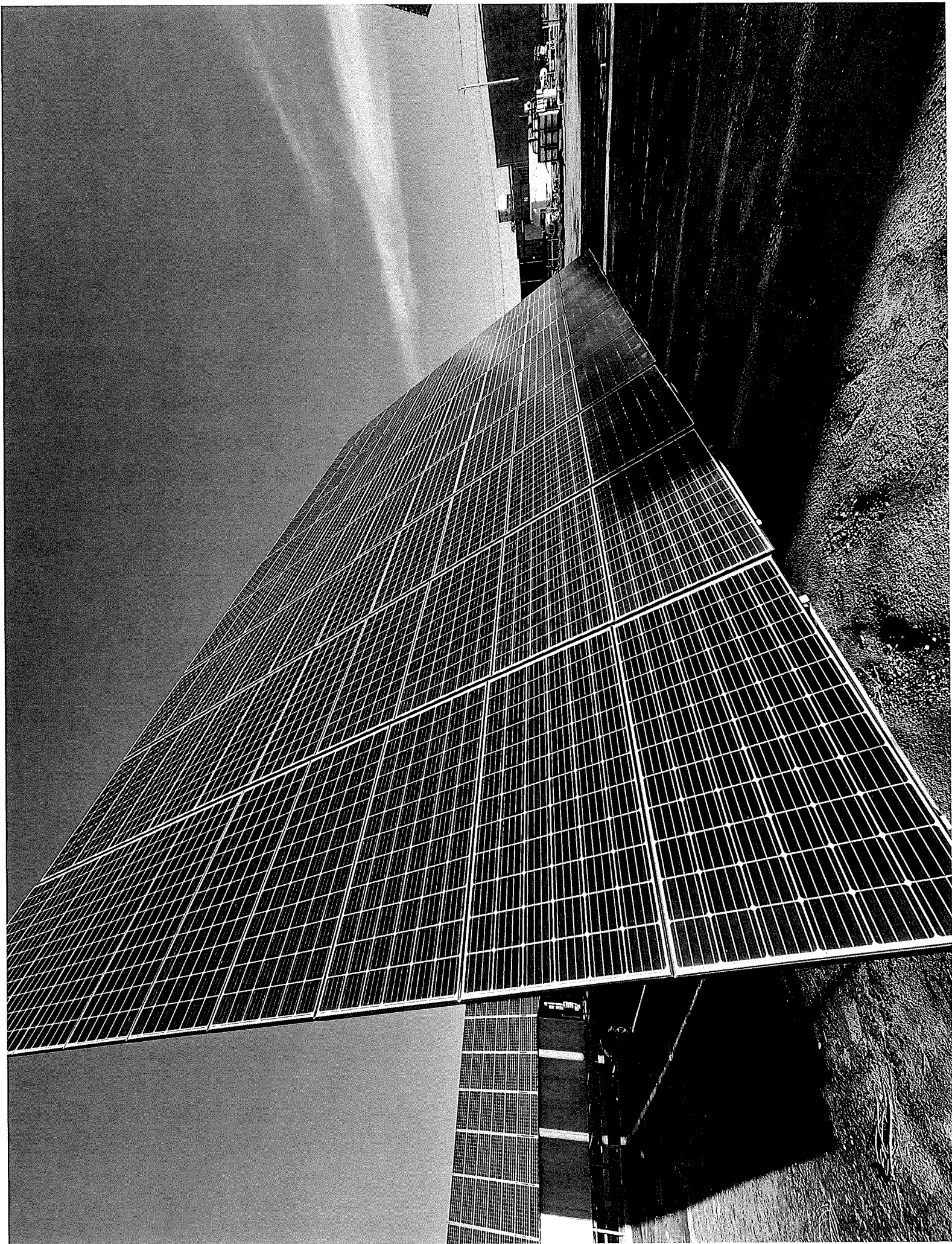
Oeltjenbruns

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April 19, 2024



Architectural floor plan of the 1st floor of the 'MANSION' building. The plan shows a long, narrow layout with various rooms and corridors. Key areas include a large hall at the top, a central corridor, and several smaller rooms. The plan is labeled with '1ST FLOOR' and 'MANSION'.



Staff Report
for
Conditional Use Permit Application #438
Terpstra – Marine and ATV Repair

Applicant:

Derek Terpstra

Property Owner(s):

Derek Terpstra

Property Address:

3673 Austin Road
Owatonna, MN 55060

Project Legal Description:

Starting at a point in the center of the Old Austin Road 451 feet due South of the North boundary of the South Half of the Southeast Quarter (S 1/2 of SE 1/4) of Section 26, Township 107 North, Range 20 West, thence due East to a point 1350 feet West of East Section line of Section 26, thence southeasterly to a point 1269 feet West of East line of Section 26 and 407 feet North of South line of Section 26, thence due West to center of Old Austin Road, thence Northwesterly along center of Old Austin Road to starting point, Steele County, Minnesota.

Zoning District:

Agricultural

Project Description:

Derek Terpstra is requesting to start a new business from his rural building site in Section 26, Owatonna Township. The business would repair boats, trailers, ATV's UTV's and other miscellaneous equipment. He would utilize an existing 4800 square feet building onsite.

Reason for Conditional Use Permit Application:

Section 704.1 of the Steele County Zoning Ordinance allows Agricultural Related Businesses as a conditional use in the agricultural district.

General Criteria for Issuing a Conditional Use Permit:

1) The use will not create a burden on parks, schools, streets, public facilities or utilities:

Public facilities used by this development will be electricity and Austin Road. Electricity is already provided to the site and demand will not be any greater than normal building site usage. Austin Road is a paved County Road with a 9 ton per axel load limit. It should be adequate to handle the expected traffic from this proposed business.

2) The use is compatible, separated, or screening from adjacent agricultural or residential land so as not to depreciate their values or deter development:

The site is predominantly surrounded by agricultural land. The proposed use should not have any effect on the agricultural land. The nearest neighboring residents are located 1000 feet to the north and 1400 feet to the east and west. At these distances the proposed business should not have an effect on these residences.

3) The appearance will not have an adverse effect on adjacent properties:

The applicant is proposing to use an existing building for the business so the appearance should not change. Outside storage, clutter and security lighting could be an annoyance to neighbors. The planning commission could consider conditions on outside storage to mitigate this issue.

4) The use is related to the existing land use and the county needs of the county:

The site is a 4 acre rural building site with a house, a couple of agricultural buildings and a 4800 square foot quonset building built in the 1950's he will use for the business. The building should be required to meet codes for a repair shop.

5) The use is consistent with the zoning ordinance and zoning district:

The property is zoned as agricultural. The applicant has applied under Section 704.1 of the Zoning Ordinance which allows agricultural related businesses as a conditional use. There is no definition in the ordinance that defines agricultural related business although we have allowed machinery and vehicle repair. The planning commission will need to determine if this request meets the intended definition of Agricultural Related business.

6) The use will not create a traffic hazards or congestion:

Traffic will be sporadic as customers drop off and pick up equipment. It would be expected that traffic would be more frequent in the spring and summer but the assumed traffic is not expected to cause traffic hazards or congestion on the road.

7) Existing businesses will not be adversely affected because of curtailment of customers trade brought about by intrusion of noise, glare, vibration or other nuisances:

The nearest existing business is Owatonna RV Service located ¼ mile to the southwest. This proposed business should not have a negative effect on Owatonna RV Services. There is also a substation located adjacent to the property to the south. Once again, the proposed business should not affect this substation.

8) Adequate utilities, access roads, drainage and other facilities will be provided:

- Utilities: Will not change from present.
- Access: The existing access roads onto CSAH 45 will be used. No new accesses are proposed.
- Drainage: Drainage should not change.
- Septic: The business will have to install a bathroom and septic system for the building.

Staff Comments:

If the Planning Commission recommends approval of this application, they may wish to consider the following conditions:

1. Building must meet all applicable building codes and accessibility codes.
2. Outside storage must be screened from neighboring residential uses.
3. Lighting shall be directed so that it does not shine directly onto public roads or neighboring residential property.
4. All waste products including but not limited to solvents, paints, oils, and fuels shall be disposed of in a manner approved by the State of Minnesota and Steele County.



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Terpstra

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mi

April 19, 2024



Staff Report
for
2024 Review of Conditional Use Permit #214
Medford Sand & Gravel – North Pit
(Section 4 and 5 of Medford Township)

- Operator:** Medford Sand and Gravel LLC
- Owner(s):** Medford Properties II LLC: parcel #s 11-004-4402, 11-004-4402, 11-005-1102,
11-005-1201, 11-005-1201
Chris Hanke: parcel #s 11-004-4405, 11-005-1202
St. Marc's Materials: parcel #s 11-004-4304, 11-004-4305
- Project Location:** The project is on multiple parcels located in the West ½ of the NW ¼ of Section 4 and E ½ of the NE ¼ of Section 5 between County Road 49 and the abandoned rail. This property includes a total of 90 acres under the permit. The original permit included an additional 300 acres located between County Road 49 and the river and another 60 acres located east of the Straight River in Section 9. These properties have since been transferred to other owners and are no longer mined.
- Zoning District:** Agricultural District
- Permitted Uses:** Mining of sand, gravel, clay, and topsoil including crushing, screening, washing and the stockpiling of aggregate material and the processing and stockpiling of recyclable aggregate material.
- Permit History:** 1996: CUP #214 issued to Crane Creek Aggregate
2006: CUP #214 renewed (SMC operator)
2009: CUP #214 renewed (Medford Sand & Gravel operator)
2014: CUP #214 renewed
2020: CUP #214 renewed
- Conditions:**
1. Mining is limited to those areas identified on the submitted site map.
 2. Mining is limited to a bottom elevation of 1015 for those areas west of the Straight River.
 3. Mining is limited to a bottom elevation of 1060 for those areas east of the Straight River. If mining takes place into the water table on the east side of the river or this area is de-watered this permit will need to be amended.
 4. A 30 foot unexcavated buffer with 4:1 side slopes shall remain adjacent to all property and road right of way lines. Any erosion to neighboring properties as a result of this mine shall be corrected by the applicant. The buffer between this property and adjacent properties east of the Straight River may be removed with agreement between both landowners.
 5. A 100 foot undisturbed buffer shall be left adjacent to the Straight River.
 6. No hazardous material may be stored in the floodplain areas. Stockpiles of aggregate material, recycled material, and any equipment in the floodplain shall not be placed in a manner that will impede water flow during a flood event.
 7. All accesses to the sites shall be gated. Access shall be restricted to seven locations identified on the site map. All other existing accesses shall be removed, fenced, or gated to aid in safety.
 8. Signage and other traffic warning devices shall be installed as directed by the Steele County Highway Engineer.
 9. If areas along CSAH 49 are mined below the water level, a six feet high berm shall be installed along the road right-of-way.
 10. Trucks shall not track material from the pit onto the public road.
 11. Trucks hauling material to and from this pit shall not use "jake brakes"

12. Dust control shall be maintained in the pit at all times so that dust does not negatively affect nearby residences or the Union Cemetery. Dust must be controlled on NW 19th Ave. any time there is truck traffic from this pit using that road.
13. Mining, processing and hauling activities excluding farming activities are limited to the hours of 6:00 AM to 7:00 PM Monday thru Saturday.
14. Storage of recyclable aggregate material shall not exceed 60,000 cu. yds.
15. Final reclamation shall be completed in phases and shall include grading slopes to a 4:1 slope or flatter for a minimum distance of 10 feet into the water, replacing topsoil, and vegetating exposed areas not used for cropland or reclaimed to open water.
16. Applicant is responsible to obtain and follow all other federal, state, and local permits and regulations including but not limited to NPDES permits and DNR Water Appropriation Permits.
17. The operator shall report quarterly to the Steele County Auditor's office the amount of aggregate removed as required by the Steele County Aggregate ordinance #31 and all taxes shall remain current.
18. The operator is responsible to initiate renewal proceeding on or before January 1, 2024 or this permit becomes invalid.

Total Area: 309 acres permitted at last review in 3 areas.

- Area A – 90 acres located between the Canadian Pacific Railroad and NW 21st Ave.
- Area B - 161 acres are located between Union Pacific Railroad and the Straight River.
- Area C - 56 acres are located east of the Straight River.

Area A:

Total Acres: 90 acres
Minable Acres: 87 acres
Reclaimed Areas: 13 acres
Active Areas: 74 acres of mining and stockpiling.
Natural Elev: Estimated to be at approximately 1090 feet
Permitted Elev: 1015 feet
Mining Elev: Estimated to be at 1045 feet.
Road Accesses: Two accesses from this part of the permit.
One onto County Road 49 (Cabot Ave.) Paved road.
One access onto Steele County 102 located 375 feet west of County Road 49.
(Gravel County road.)
Recyclable Amt: Approximately 20,000 Cubic Yards located in Area A

Area B:

Total Acres: 161 acres
Reclaimed Areas: Reclaimed and sold to the DNR

Area C:

Total Acres: 56 acres
Reclaimed Areas: Sold to Marie Sexton and has been reclaimed.

Material Removed: Records indicated the following amount of material was removed the past 5 years..

2023 – 17,170 ton
2022 – 24,138 ton
2021 – 4,835 ton
2020 – 72,142 ton
2019 – 85,658 tons

Other Permits: Nation Pollution Disposal Elimination System (NPDES): Permit MNG490064
Allows for the discharge of pumping water into the Straight River
DNR Water Appropriations: 1994-5057 – Up to 50 million gallons per year.
No report of pumping since at least 2003.

Comments:

Area B has been reclaimed and sold to the DNR so it is being removed from the permit.
Area C has been sold to Marie Sexton and has been reclaimed to her satisfaction, so it is also being removed from the permit.
Area A is currently an active site. Four of the parcels in Area A have also been sold but according to Don Redman, they still have an agreement to utilize it for mining.

The neighboring property owner has expressed concerns about stockpile of concrete millings located west of his place. This pile appears to come from a slurry of concrete millings that are deposited in an impoundment on the property. The solids are allowed to settle in the impoundment before they are scooped out, piled up and allowed to dry. The solids are then typically combined and mixed along with other aggregate or recycled aggregate material. This method to deal with concrete slurry is an approved method by the MPCA. However, the neighbor's concern is with the dust that blows off the stockpiles after the slurry dries out. According to OSHA, high levels of silica dust can be an irritant to eyes, nose, throat and the respiratory system.

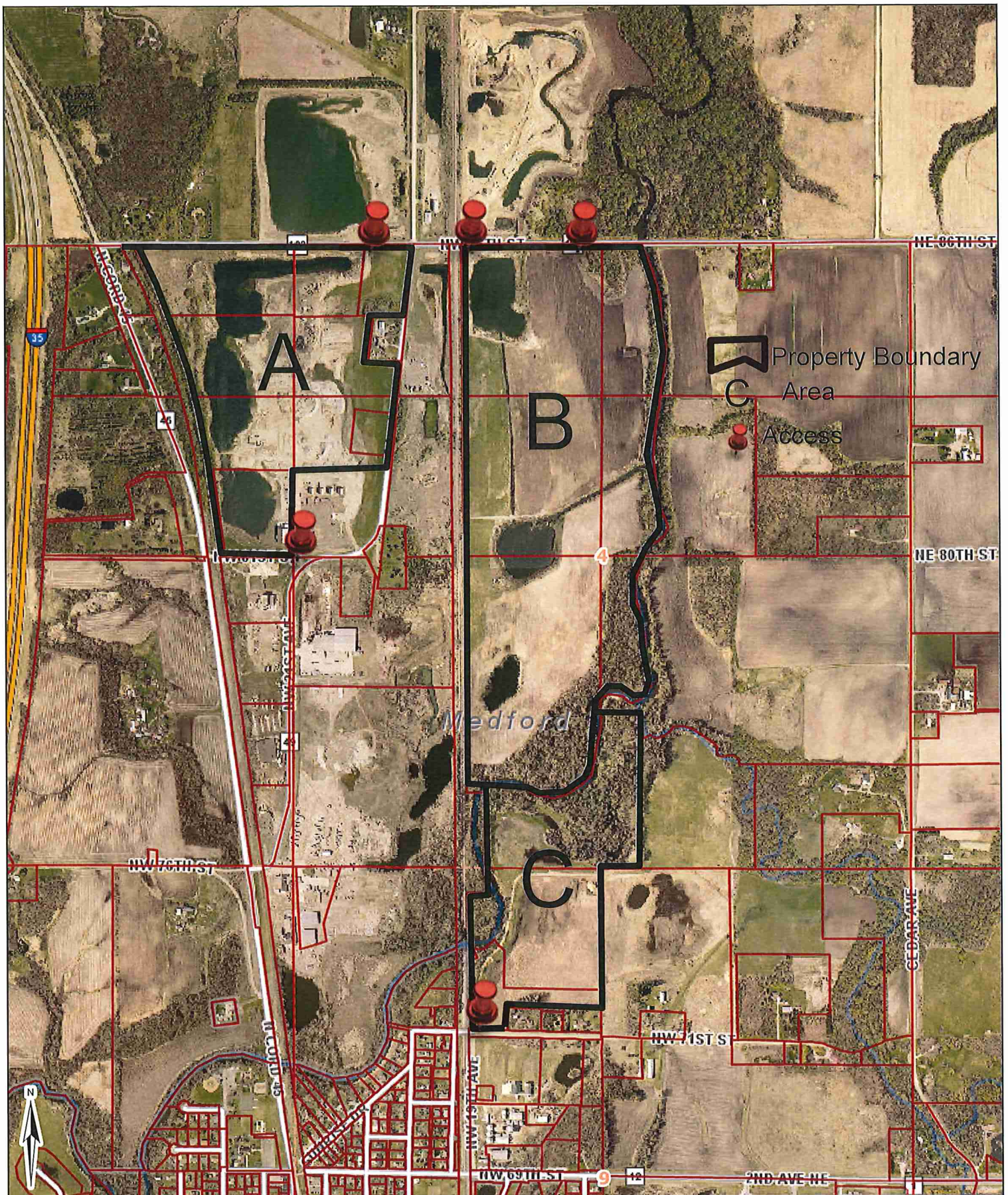
Condition

Considerations:

This permit was one of those that was originally issued as a Conditional Use Permit for a large area. Since mining has been completed in many of those areas and the land sold off, we should consider the following changes. (~~strike through~~ is deleted, underlined is added)

1. Mining is limited to those areas identified on the submitted site map.
2. Mining is limited to a bottom elevation of 1015. ~~for those areas west of the Straight River.~~
3. ~~Mining is limited to a bottom elevation of 1060 for those areas east of the Straight River. If mining takes place into the water table on the east side of the river or this area is de-watered this permit will need to be amended.~~
4. A 30 foot unexcavated buffer with 4:1 side slopes shall remain adjacent to all property and road right of way lines. ~~Any erosion to neighboring properties as a result of this mine shall be corrected by the applicant. The buffer between this property and adjacent properties east of the Straight River may be removed with agreement between both landowners.~~
5. ~~A 100 foot undisturbed buffer shall be left adjacent to the Straight River.~~
6. ~~No hazardous material may be stored in the floodplain areas. Stockpiles of aggregate material, recycled material, and any equipment in the floodplain shall not be placed in a manner that will impede water flow during a flood event.~~
7. ~~All accesses to the sites shall be gated. Access shall be restricted to seven locations identified on the site map. All other existing accesses shall be removed, fenced, or gated to aid in safety.~~
8. Signage and other traffic warning devices shall be installed as directed by the Steele County Highway Engineer.
9. If areas along CSAH 49 are mined below the water level, a six feet high berm shall be installed along the road right-of-way.
10. Trucks shall not track material from the pit onto the public road.
11. Trucks hauling material to and from this pit shall not use "jake brakes"
12. ~~Dust control shall be maintained in the pit at all times so that dust does not negatively affect nearby residences or the Union Cemetery. Dust must be controlled on NW 19th Ave. any time there is truck traffic from this pit using that road.~~
13. Mining, processing and hauling activities ~~excluding farming activities~~ are limited to the hours of 6:00 AM to 7:00 PM Monday thru Saturday.
14. Storage of recyclable aggregate material shall not exceed 60,000 cu. yds.
15. Final reclamation shall be completed in phases and shall include grading slopes to a 4:1 slope or flatter for a minimum distance of 10 feet into the water, replacing topsoil, and vegetating exposed areas not used for cropland or reclaimed to open water.
16. Applicant is responsible to obtain and follow all other federal, state, and local permits and regulations including but not limited to NPDES permits and DNR Water Appropriation Permits.

17. The operator shall report quarterly to the Steele County Auditor's office the amount of aggregate removed as required by the Steele County Aggregate ordinance #31 and all taxes shall remain current.
18. The operator is responsible to initiate renewal proceeding on or before January 1, ~~2024~~ 2029 or this permit becomes invalid.



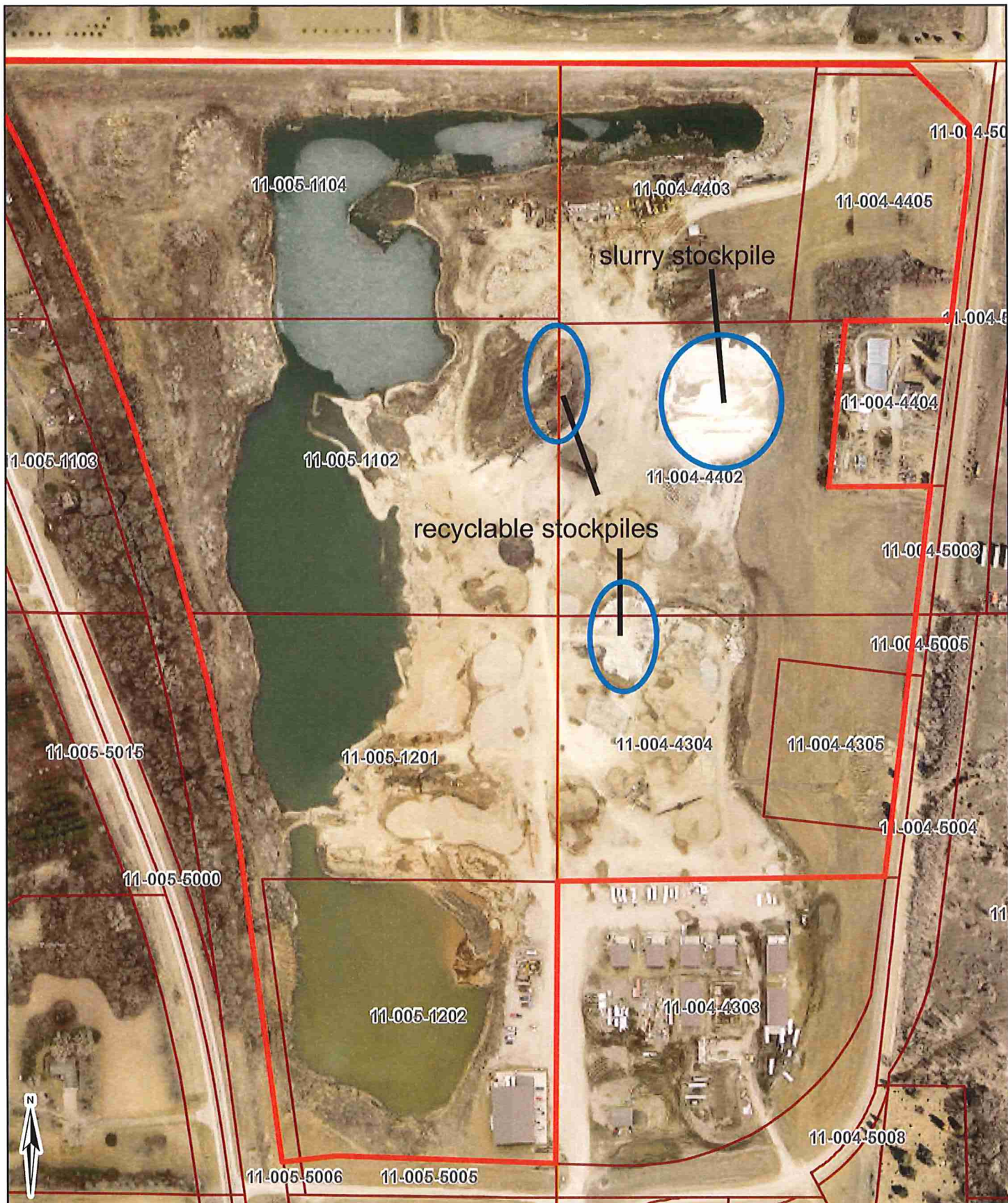
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CUP 214 (North Pit)

0 0.070.15 0.3
mi

August 31, 2020





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Medford Sand & Gravel Pit

0 0.03 0.05 0.1
mi

February 26, 2024



Staff Report
for
Interim Use Permit #2024-01
EESolar33, LLC – Buscho 4 MW Solar Garden

Applicant:

Enterprise Energy LLC for EESolar33, LLC

Land Owner:

Vernon R. Buscho Trust

Zoning District:

Agricultural

Address:

Not Assigned (located off of Runway Road)

Property Legal Description:

All that part of the NE 1/2 of the NE 1/4 of Section 31, Township 108 North, Range 20 West, Steele County, MN.

EXCEPT: Commencing at the Northeast corner of said Section 31; thence South 0 degrees East, assumed bearing, 225 feet along the East line of NE 1/4 of NE 1/4 to the true point of beginning; thence South 0 degrees East 538 feet along the East line of said NE 1/4 of NE 1/4; thence North 90 degrees West 412 feet; thence North 0 degrees East 538 feet; thence North 90 degrees East 412 feet to said true point of beginning,

AND EXCEPT; Beginning at the northeast corner of said NE 1/4; thence S 0°19'00" W assumed bearing, 225.00 feet along the east line of said NE 1/4; thence N 89°41'00" W 412.00 feet; thence N0°19'00" E 220.59 feet to the north line of said NE 1/4; thence N 89°42'14" E, 412.02 feet to beginning,

AND FURTHER EXCEPT: Beginning at the Northwest corner of said NE 1/4; thence North 89°42'14" east, assumed bearing, 482.00 feet along the North line of said NE 1/4 to the centerline of Crane Creek; thence South 56°06'14" West 582.67 feet along said Creek centerline to the West line of said NE; thence North 0°17'34" East 322.46 feet to beginning.

Project Description:

Construct and operate a 4 MW (Mega Watt) Alternating Current Community Solar Array on approximately 30 acres of land. The solar energy system will consist of single axis trackers placed in north-south rows and rotating from east to west mounted on a steel racking structure. The expected lifespan of the project is at least 25 years up to 35 years.

Reason for Conditional Use Permit Application:

Section 1528.03 of the Steele County Zoning Ordinance requires an interim use permit for “primary Use solar energy systems in the Agricultural District.

General Criteria for Issuing Conditional Use Permit:

1) The use will not create a burden on parks, schools, streets, public facilities or utilities:

The project will generate electrical power that will be sold to Xcel energy. The applicant has begun the process of developing an agreement with Xcel. There will be significant traffic on the road during

construction but minimal traffic for maintenance after construction is completed. No other public utilities or facilities will be directly affected.

2) The use is compatible, separated, or screening from adjacent agricultural or residential land:

The site has agricultural land to the north and south. This project should impose no direct effect on the adjacent agricultural land. An existing 1 MW solar garden operated by a different entity is located south and east of this site. And a 2nd 1 MW project is permitted to Enterprise Energy, but not yet built, adjacent to this proposed project. There is no reason to believe this project should affect those operations. There is one building site near the project owned by Michael and Linda Eaton. Once constructed, the solar farm produces no odors, no noise, and minimal traffic. However, during construction which is expected to take 3 to 4 months there will be a significant increase in traffic but temporary in nature. The site is not in an area where future residential development is expected.

3) The appearance will not have an adverse effect on adjacent properties:

The appearance will be approximately 30 acres of solar panels surrounded by a fence. This appearance should have no effect on the adjacent agricultural land or the adjacent solar arrays. The neighboring building site has the greatest potential to be affected by the appearance. The appearance of a solar garden is subjective with some individuals finding the appearance distasteful and others not as offended. To soften the appearance of the previous permitted 1 MW project, Steele County required a vegetative screening between the fence and the property line. That screen would help with this project as well. We also required the fence to be a woven wire type as opposed to chain link. If approved, we should consider a similar condition on this permit as well. Finally, a “pole farm” is planned adjacent to the building site where the project will interconnect with the utility line. The “pole farm” will have 3 poles to interconnect each 1 MW or a total of 12 poles for this project and the previous permitted project.

4) The use is related to the existing land use and the needs of the county:

The existing land use is an agricultural field. This field will be replaced by approximately 30 acres of solar panels on property leased by the proposer in addition to the other two already permitted solar arrays on this [property. The array is proposed to be in place for a 25 to 35 years. After that, it could be re-permitted or removed, and the land returned to farmland or some other use. The applicant has indicated the value of the equipment at the time of decommissioning will cover a substantial portion of the cost of decommissioning the site. By their estimate the cost of decommissioning the site is approximately \$593,000 and the salvage value of the materials will still be approximately \$500,000. The land is assessed at \$682,000 for 2024. Staff has no expertise to determine if these estimates are realistic. Rather Steele County has encouraged landowners to have enforceable language in their lease requiring the proposer to remove the equipment at the end of the lease.

5) The use is consistence with the zoning ordinance and zoning district:

The zoning ordinance allows Primary Use solar energy systems by Interim Use Permit in the agricultural district. Primary Use Solar Energy Systems are defined as systems which are the primary use of the land on which it is located, and which generate power for sale to a utility or other off-premise consumer. The site is also located in Zone C height restriction zone of the Airport Zoning District. The applicant has indicated they have submitted an application to the FAA for a notice of Proposed Construction and a glare analysis has been completed for the project. Initially the glare analysis showed some potential to impact the airport. The applicant has looked at other alternatives such as textured glass panels and panel angles to reduce the potential of glare and determined that by programing the panels to rest at a slight angle the model glare analysis showed zero glare. The planning commission could consider requiring this as a condition of the permit.

6) The use will not creation a traffic hazards or congestion:

During construction, there will be a significant amount of construction traffic to and from the site. This traffic will use runway road which is a gravel township road. Construction equipment should abide by

weight restrictions when roads are posted and if required by the township could be required to remediate any damage caused by construction equipment. After construction, traffic will be limited to maintenance vehicles and is expected to consist of a couple trips per week. The applicant has indicated that construction parking is to be entirely within the site. If the request is approved the planning commission could consider a condition prohibiting the parking of personnel or construction equipment on the road. After construction, the project will only require intermittent maintenance traffic. This amount should not cause hazards or congestion.

7) Existing businesses will not be adversely affected because of curtailment of customers trade brought about by intrusion of noise, glare, vibration or other nuisances:

Existing businesses are located 1 mile away to the east. The proposed project should not have any effect on these businesses.

8) Adequate utilities, access roads, drainage and other facilities will be provided:

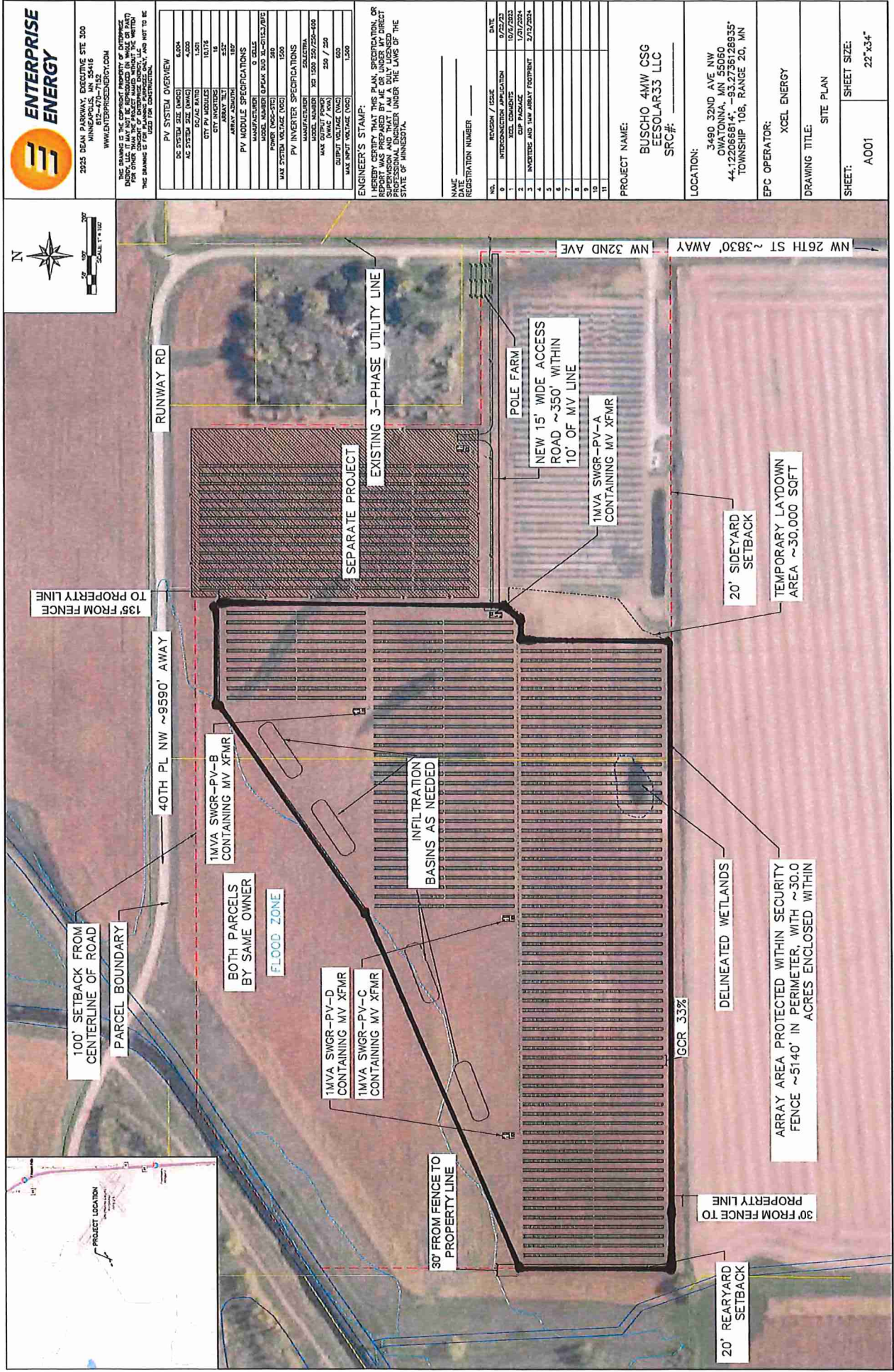
- Access: Enterprise Energy is proposing to use the same access as previously indicated for their permitted 1 MW site. This access road will be constructed onto Runway Road. The proposer should be required to obtain any permits required from Clinton Falls Township.
- Drainage: No drainage tile have been identified on the proposed site. If drainage tile are discovered, the developer should be required to allow maintenance of the tile throughout the life of the project.
- Runoff: The project will require a storm water pollution prevention plan. If this plan indicates that storm water retention is warranted, the applicant has indicated that storm water retentions ponds may be installed. This will be governed by the MN Pollution Control Agency. Although the panels themselves shed water, some recent studies show that runoff from the site may decrease from existing conditions because the site is seeded to vegetation beneath the panels.
- Wetland: The proposer has identified one area of potential wetland. They are working with the Soil and Water Conservation District to determine if solar panels can be located in the area.
- Floodplain: Floodplain designated areas are located on the property. The solar panels are not proposed in the floodplain area.
- Ground Cover: The applicant proposes to utilize a pollinator friendly ground cover. Because this type of vegetation typically needs several years to mature, weed control is crucial in its development. The operator should be required to control weeds throughout the life of the project.

Staff Comments:

If the planning commission recommends approval of this permit, they may want to consider the following conditions which are similar to conditions attached to the previous permit.

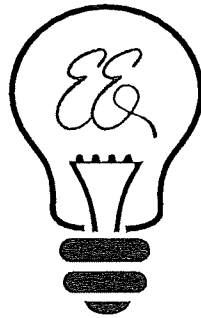
1. This permit allows for the construction and operation of 4 MW Solar Array in the location identified on the submitted application. Any additional expansion of the project will require the permit to be amended.
2. This permit shall expire on December 31, 2061 and all solar components and accessory facilities removed by December 31, 2062.
3. If the project ceases to generate electricity before the permit expiration date, all solar components and accessory facilities shall be removed within one year of the discontinuation of use/operation.
4. The operator shall notify the Steele County planning and zoning office of any changes in management or ownership of the project.
5. Any private drainage tile servicing adjoining properties shall be protected during construction and maintained throughout the life of the project.
6. A wetland determination shall be completed and submitted to the Steele Soil and Water Conservation District. The applicant shall follow all procedures and requirements of the wetland conservation act.
7. The developer shall construct a security fence around the perimeter of the solar panels to deter unauthorized entrance. The fence shall utilize woven wire and be a maximum of 8 feet tall without barbed or razor wire.

8. Permanent vegetative shall be planted within the fenced project area.
9. All noxious weeds shall be controlled throughout the life of the project. If the weeds are not controlled the operator shall allow the county access to the site to implement weed control and the costs assessed back to the property.
10. If required by the township, an access permit shall be obtained from the township.
11. Prior to the start of construction, the developer shall document with the township the condition of the haul road(s) to be used during the construction of the project. Any haul road(s) degradation cause by construction traffic shall be remedied by the developer.
12. All construction crew vehicles must park on the site unless site conditions prohibit it. If vehicles must park on the road because of site conditions, vehicle parking shall be limited to a single side of the road.
13. The developer must obtain a 911 address and sign for the site.
14. The developer shall obtain building permit(s) from the Steele County Building Inspection office.
15. The developer and/or operator is responsible to acquire or maintain any federal, state, or local permits required in the construction, operation, and maintenance of the solar energy system.
16. A vegetative screen is required between this project and the neighboring property to the east. The screen shall consist of healthy, hardy plant materials that provides a minimum screen height of 8 feet and a minimum density of 75% at maturity. An alternate planting plan may be used if approved by the neighboring property owner. Screening planted as required by IUP 2023-02 will satisfy this condition.
17. Prior to the start of construction, the developer shall provide a letter of agreement from the land owner that states they understand they are liable for decommissioning if EESolar33 LLC or future lessees abandon the site.
18. The operator shall program the panels as modeled in the glare analysis to produce zero glare affecting the airport. If glare becomes an issue for the airport the operator shall work with the airport to determine a solution.



Date:
Land Use Authority:

February 12, 2024
Steele County, MN



ENTERPRISE ENERGY

Application for Interim Use Permit

Buscho 4MW Community Solar Garden

Enterprise Energy LLC for EESolar33 LLC

Enterprise Energy LLC, a Minnesota limited liability company (“Applicant”) submits this Interim Use Permit and Lot Combination application on behalf of EESolar33 LLC, a Minnesota limited liability company and subsidiary of Enterprise Energy. Applicant requests a permit to construct 4MW Alternating Current of community solar gardens on land owned by Esther I Buscho Revocable Living Trust and Vernon R. Buscho Disclaimer Trust, Steele County, MN, Tax ID 12-031-1100, legally described by Section 10 of this Narrative.

The project will consist of 4 IMW gardens that will look and function as a single garden and be under common ownership. The 4MW project is collectively referred to as the “solar array.” The site was selected due to its compliance with the zoning ordinance, its proximity to electrical infrastructure, it’s physical characteristics and suitability for solar development, and landowner participation. There is a preexisting solar development on the parcel and another IMW project under development. This CUP application is unrelated to those projects.

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9. Parcel Legal Description.....9

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1. Summary of Project

A Community Solar Garden is a solar power plant that allows people who don't have a good spot for solar panels to be treated by the electric utility as though these solar panels are on their property. We lease land somewhere that is good for solar, such as this parcel, and pay to develop and install the Community Solar Garden. When the array puts power into the grid, it receives a "bill credit" from the electric utility for that amount of power. The bill credit grants the right to take that same amount of power out of the electric grid at a different location for no cost. We then sell the bill credit to the people who don't have a good spot for solar, thereby allowing them to save money through solar even though they don't have a good spot for solar panels. The people who buy the bill credits are referred to as the "subscribers" since they subscribe to the Community Solar Garden by agreeing to buy the bill credits. The installation will operate as a "Community Solar Garden" as defined by Minn. Stat. 216B.1641. The requested term of the IUP is 35 years from the commercial operation date.

The Minnesota legislature recently passed a bill that increases the size of Community Solar developments from 1MW AC to 5MW AC. This size increase is important because projects over 1MW pay more in tax revenue. In Minnesota, solar projects under 1MW don't pay a type of tax called production tax. However, under the new law, this 4MW project will pay production tax. Production Tax is \$1.20 per Megawatt Hour produced. A 4MW Solar Array can produce about 10,000 MWH of solar per year resulting in additional \$12,000/year in tax revenue and \$420,000.00 over the 35 year life of the project.

Apart from Production Tax, Farmland generates far more tax revenue for when it has a large solar installation on it because the assessor can change the tax *usage* classification of the property from Agricultural to Commercial / Industrial. Solar does not change the zoning or property valuation. However, there is an enormous increase in tax revenue from changing *use* alone, not including the production tax.

2. Methods of Construction

We would like to begin construction as soon as spring 2025 and complete before winter. However, the actual construction process will only take about three months. We haven't set an exact groundbreaking date yet. The construction process begins with preliminary site testing for soil conditions for footings, as well as environmental, historical, and cultural diligence. A construction trailer and portable toilet will be placed on site when we begin groundbreaking.

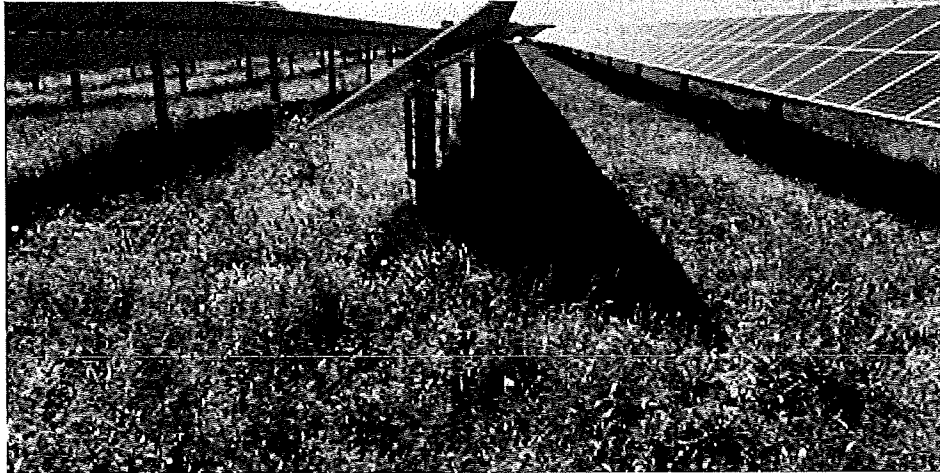
Construction can be thought of as five phases: footings, racking, panels, electrical, and testing. Typically, a subsequent phase begins when the previous phase is about halfway done. Footings will consist of rows of I-beams that are driven into the ground to a depth of about 10-15 feet with no concrete footing. When about half of the field has I-beams installed, the racking



ENTERPRISE
ENERGY

system begins being placed on the I-beams. When the racking is installed on about half of the field, electricians will begin installing the solar panels on the completed portion. When the solar panels about installed about halfway through the field, electricians will begin wiring the system together. After the installation is complete it will undergo about a month of testing from the installer and the electric utility before it becomes commercially operational.

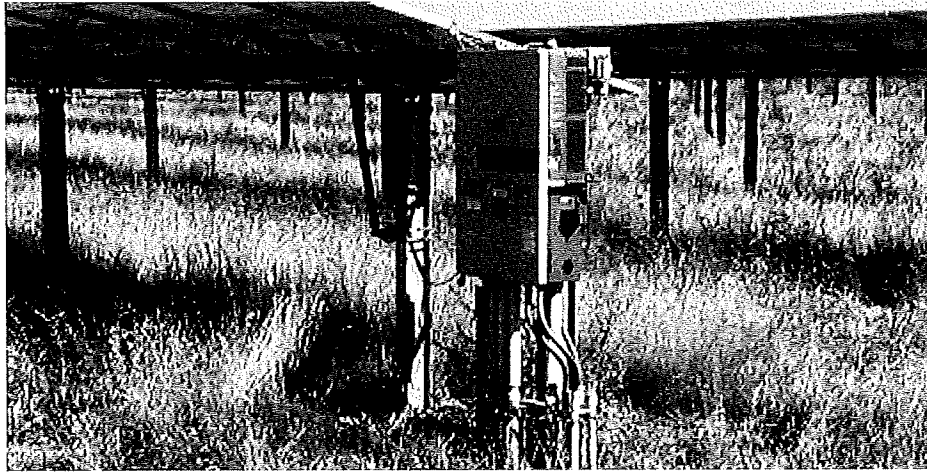
The rows of solar panels will run from North to South, and pivot on a single axis following the sun from East to West.



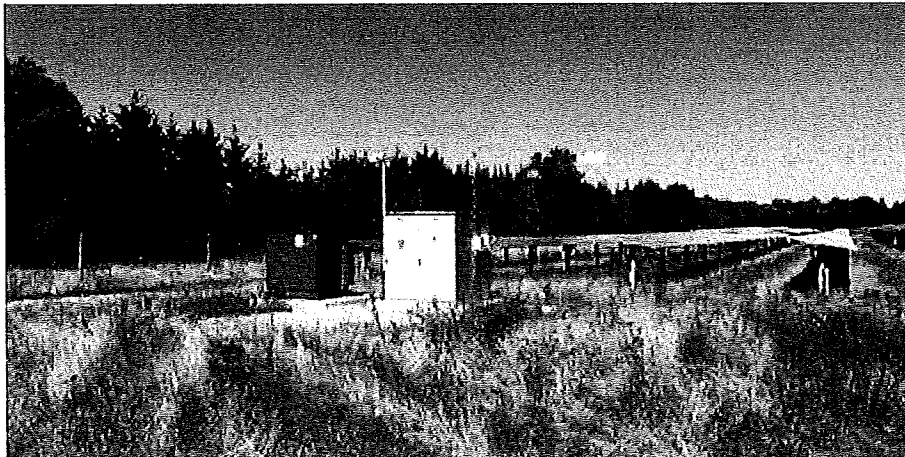
The racking system is attached to driven I-beam that secures the installation to the ground. The I-Beam is driven directly into the ground. The racking and footings are within accepted professional standards given the local soil and climate, and are professional engineered to withstand winds exceeding 150 MPH.



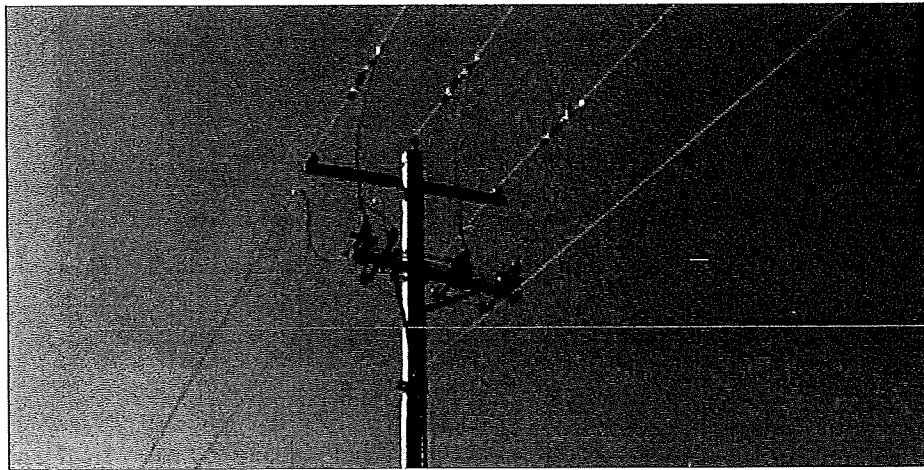
Solar panels produce direct current (DC) electricity. The electrical grid uses alternating current (AC) electricity. The power produced from the array will be run through an “Inverter” that changes the power from direct current to alternating current. The process of inverting the electricity loses some efficiency. Therefore, it will produce more DC power than AC. This conversion is expressed as a DC/AC ratio. This project will have roughly a 1.5 DC/AC Ratio, meaning that for every MW AC that it produces, it produces 1.5MW direct current.



A community solar garden has one concrete equipment pad that takes up about 200 sf. The solar panels are connected by underground electric conduit that leads to the equipment pad where metering equipment is mounted. The amount of electricity that is produced by the solar development is measured by the solar development owner and the electric utility. The power production and equipment are monitored 24/7 by a satellite or cellular based security system. An emergency shutoff switch is also on site.



After the power is metered at the equipment pad, it interconnects into the electric utility's existing three phase distribution power distribution network. The solar installation includes a pole that houses overhead wires and leads to another pole that is controlled by the electric utility. Each 1MW of solar on the site will have its own point of interconnection. All points of interconnection will be adjacent to one another.

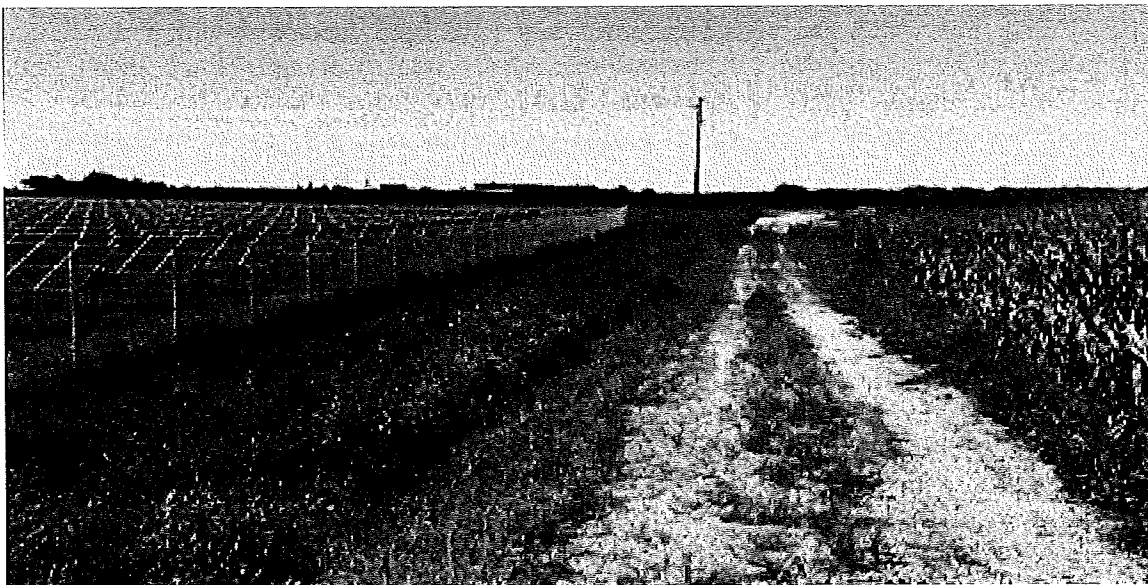


The solar array will be contained within a 6 foot tall chain link security fence as described by the site plan. The fence will meet electrical code requirements and prevent people from trespassing, while allowing birds, insects, rodents, and other wildlife to pass through. A single fence will surround all 4 MW.



3. Access, Parking and Roads

Access to the site will be by a packed class five gravel road approximately fifteen feet wide with a 20-foot entrance. Construction parking will be located entirely within the parcel. No additional parking is required. Multiple semi truckloads of equipment such as solar panels and steel racking will be delivered through the construction process. Multiple pickup trucks, workers, passenger vehicles, bobcats and equipment will be on site most days during construction.



4. Operation



Access to the site will be minimal after construction. An engineer will need to access the property by pickup truck at least twice a year to examine the equipment. Maintenance crews will be on site at least twice a year to manage the vegetative cover and remove weeds.

The array will be monitored 24/7 365 days a year by a computer monitoring system that measures the power being produced on site. If a problem arises, the system will alert the system owner so that appropriate personnel can be dispatched to the site to resolve the issue.

The development will be owned and operated by an owner operator selected by the Developer. We have not determined who the owner will be yet, or if it will be sold at all.

5. Landscape Plan & Visual Impact

The Minnesota state legislature has passed a law that encourages solar developers to plant solar arrays in pollinator friendly plantings, Minn Stat. 216B.1642. The Minnesota Board of Water and Soil Resources has issued guidelines for the establishment of such pollinator habitat underneath solar developments, including tools evaluating the establishment and maintenance of the pollinator plantings.

We propose to submit a vegetation management plan in compliance with the abovementioned guidelines. The vegetative management plan will create wildlife habitat for birds, rodents, and insects that cannot live in farmed soils due to pesticides, as well as carnivorous animals that eat them. Unlike row crops, the vegetative cover will have deep roots that will improve the permeability of the soil, promote soil health, slow down the velocity of water runoff, and prevent topsoil erosion, thereby naturally improving the quality of any surrounding waterbodies or wetlands.

The Minnesota board of Soil and Water has recognized these benefits outside of solar by creating the CREP program, which pays farmers to remove farmland from agricultural production to create wildlife habitat like this solar installation creates for free. Removing overworked farmland from production and returning it to wildlife habitat is a windfall for the community and farmers.

The home to the East already has vegetation obstructing the view of the solar array. Also, the CUP for the 1MW Community Solar Garden that has not been built yet requires screening along the West line of the home. That screening will also serve to screen this project.





6. Stormwater Management Plan

Stormwater management measures will be determined by a Minnesota licensed civil engineer as part of a full civil design set, which will be submitted for a building permit, and be subject to review and approval by environmental staff. The plan may include a SWPPP, stormwater runoff calculations, identify water retention basins, and utilize measures such as erosion control logs, silt fences, and infiltration basins. The stormwater management plan will comply with local laws and rules, as well as the Minnesota Board of Soil and Water, DNR, MPCA, and other state and federal requirements.

No County drain tile or cross property tile is located on the parcel. Under the lease agreement with the landowner, the developer assumes responsibility for any tile damaged during construction. The developer will identify the location of tile and either avoid hitting it or replace it to restore drainage to its preexisting condition.

7. Decommissioning Plan

The solar tenant and its successors shall be responsible for decommission of the solar installation upon the expiration of the lease, land use permits, or the cessation of power generation for a period longer than 12 months, at which point the solar installation will be deconstructed and removed. All footings, electrical components and underground wires, fences, and other solar equipment will be removed, and the land can be restored to agricultural production.

The solar installation will comply with any decommissioning security requirements or procedures that are required by the land use authority. The land lease for solar installation contains a contractual obligation for the solar tenant to decommission the solar installation and restore the

property. It also requires that the tenant post a security for removal in the form of a bond, escrow, or letter of credit prior to construction, payable to the property owner, in the event that the land use authority does not require one. The purpose of the security is to ensure that sufficient money is set aside to remove the solar installation before it is built.

8. Fire Prevention Plan

The solar installation will comply with the international building code, including sections 605.11-605.11.2 regarding the location of underground electrical conduit, the national electric code, and all local electric and fire codes and ordinances. The solar installation will have emergency contact information posted on a sign at the fence entrance. The local fire department will be given an emergency key to the security fence. Solar production will be monitored 24/7 for electrical and mechanical issues.

9. Legal Description

PID 12-031-1100

All that part of the North ½ of the Northeast ¼ of Section 31, Township 108 North, Range 20 West, Steele County, MN.

EXCEPT: Commencing at the Northeast corner of said Section 31; thence South 0 degrees East, assumed bearing, 225 feet along the East line of the NE ¼ of the NE ¼ to the true point of beginning; thence South 0 degrees East 538 feet along the East line of said NE ¼ of the NE ¼; thence North 90 degrees West 412 feet; thence North 0 degrees East 538 feet; thence North 90 degrees East 412 feet to said true point of beginning. (PID 12.031.1101)

EXCEPT: Beginning at the Northeast corner of said NE ¼; thence South 0 degrees 19 minutes 00 seconds West, assumed bearing, 225.00 feet along the East line of said NE ¼; thence North 89 degrees 41 minutes 00 seconds West 412 feet; thence North 0 degrees 19 minutes 00 seconds East 220.59 feet to the North line of said NE ¼; thence North 89 degrees 42 minutes 14 seconds East 412.02 feet to beginning. (PID 17-042-1102)

AND FURTHER EXCEPT: Beginning at the Northwest corner of said Northeast ¼; thence North 89 degrees 42 minutes 14 seconds east, assumed bearing, 482.00 feet along the North, line of said Northeast ¼ to the centerline of Crane Creek; thence South 56 degrees 06 minutes 14 seconds West 582.67 feet along said Creek centerline to the West line of said Northeast ¼; thence North 0 degrees 17 minutes 34 seconds East 2.46 feet to beginning.

10. Exhibit List

- a. Site Plan (Site Map)
- b. Demonstration Equipment Specifications
- c. Application Form



- d. Glare Study
- e. Decommissioning Plan



EESolar33 LLC Decommissioning Plan

Enterprise Energy, LLC

2925 Dean Parkway, Executive Ste 300

Minneapolis, MN 55416

(612) 470-7152

DECOMMISSIONING PLAN

The Solar Garden consists of many recyclable materials, including glass, semiconductor material, steel, aluminum, copper, and plastics. When the Solar Garden reaches the end of its operational life, the component parts will be dismantled and recycled as described below. We have a lease contract with the property owner, which requires us to decommission and restore the site at our expense. The decommissioning plan would commence at the end of the lease term or in the event of twelve (12) months of non-operation. At the time of decommissioning, the Solar Garden components will be dismantled and removed using minimal impact construction equipment, and materials will be safely recycled or disposed of. EESolar33 LLC will be responsible for all the decommissioning costs.

REMOVAL PROCESS

The decommissioning of the Solar Garden proceeds in the following reverse order of the installation:

1. The solar system will be disconnected from the utility power grid
2. PV modules will be disconnected and removed
3. Electrical cables will be removed and recycled off-site
4. PV module racking will be removed and recycled off-site
5. PV module support posts will be removed and recycled off-site
6. Electrical devices, including transformers and inverters, will be removed and recycled off-site
7. Concrete pads will be removed and recycled off-site
8. Fencing will be removed and recycled off-site
9. Reclaim soils in the access driveway and equipment pad areas by removing imported aggregate material and concrete foundations; replace with soils as needed

The Solar Garden site may be converted to other uses in accordance with applicable land use regulations at the time of decommissioning. There are no permanent changes to the site, and it will be returned in terrific condition. This is one of the many great things about community solar gardens. If desired, the site can return to productive farmland after the system is removed.



DECOMMISSIONING CONSIDERATIONS

We ask that Steele County take note of 3 important considerations: 1) a community solar garden is not a public nuisance, 2) the resale and recycle value are expected to greatly offset the cost of decommissioning, and 3) Steele County and taxpayers are not at risk.

1) Our modules do not contain hazardous materials and the Solar Garden is not connected to government utilities (water, sewer, etc.). The Solar Garden will be fenced in for security.

Additionally, almost all the land is permanent vegetation which improves erosion control, soil quality, and water quality. For these reasons, the Solar Garden, whether operational or non-operational, is not a public nuisance threat that would require government involvement in decommissioning or removal of the Solar Garden. Compare this to an abandoned home, barn, etc. that may regularly include hazardous materials and/or become a public nuisance.

2) Upon the end of the Solar Garden's life, the component parts may be resold and recycled. The aggregate value of the equipment is expected to greatly offset the cost of decommissioning and removal. Solar modules, for example, have power output warranties guaranteeing a minimum power output in Year 25 of at least 80% of Year 1. Since the value of solar panels is measured by their production of watts and the value of electricity, it is easy to calculate expected resale value. Even using extremely conservative assumptions, the value of the solar modules greatly offsets the cost of decommissioning. This does not factor in the recycle value of other raw materials like steel, copper, etc.

3) In the extremely unlikely, "worst-case" scenario where (1) the Solar Garden owner fails to decommission and neither our lender nor any power generation entities want the assets, and then (2) the landowner fails to decommission the Solar Garden (which the landowner would have the right to do under the Property lease), Steele County would have its standard police powers to enforce decommissioning. If that process ultimately resulted in Steele County gaining ownership of the property, Steele County could sell the parcel which would absolutely exceed the decommissioning cost.

INSURANCE INFORMATION

EESolar33 LLC will be required to meet insurance requirements under long-term contracts with several parties, including the site landowner, Xcel Energy and its Solar Garden lenders and investors. EESolar33 LLC will be listed on a policy that includes:

- Liability coverage that will include \$1,000,000 in coverage against damage to rented property Excess liability coverage of an additional \$1,000,000 per occurrence
- Property coverage in an amount necessary to cover the value of the Solar Garden and up to one year of lost revenue in the event the project is destroyed and needs to be rebuilt.

1.0 DECOMMISSIONING PLAN

1.1 General

EESolar33 LLC is a proposed 6.0-megawatt direct current (MW-dc) or 4.0-megawatt alternating current (MW-ac) solar electric generating facility using ground-mounted photovoltaic panels located in Steele County, Minnesota. The facility will be located in a fenced area of approximately 30 acres. The vast majority of the site is currently in agricultural use, most of it farmed in row crops. Following decommissioning of the facility, the land will be restored to its pre-construction condition to the extent practicable.

The decommissioning plan (plan) presents the following provisions that are intended to ensure that facilities are properly removed after their useful life. The plan includes provisions for the complete removal of all structures, foundations, underground cables, transformers, inverters, foundations, and the restoration of soil and vegetation. The Contractors will comply with the requirements of all permits during the decommissioning process. Disposal of structures and foundations will comply with any applicable County Solid Waste regulations.

1.2 Decommissioning and Reclamation

Solar projects typically have a life span of approximately 30-40 years, though some replacing or updating of equipment may occur during that time frame. The Owner will be responsible for the removal of all aboveground and underground equipment to full depth within the Project area at the end of the solar project life span. The Owner will restore and reclaim the site to pre-construction topography and topsoil to the extent practical.

Decommissioning includes removing the solar panels, solar panel racking, steel foundation posts and beams, inverters, transformers, overhead and underground cables and lines, equipment pads and foundations, equipment cabinets, and ancillary equipment. The civil facilities, access road, security fence, and any drainage structures are also included in the scope. Standard decommissioning practices would be utilized, including dismantling and repurposing, salvaging/recycling, or disposing of the solar energy improvements.

After all the equipment is removed, any holes or voids created by poles, concrete pads, and other equipment will be filled in with native soil to the surrounding grade and the site will be restored to pre-construction conditions, to the extent practicable. All access roads and other areas compacted by the equipment will be de-compacted to a depth necessary to ensure drainage of the soil and root penetration prior to fine grading and tilling to a farmable condition.

1.3 List of Decommissioning Activities

1.3.1 Timeline

Decommissioning is estimated to take approximately 20-24 weeks to complete. The decommissioning crew(s) will ensure that all equipment and materials are recycled or disposed of properly.

1.3.2 Removal and Disposal of Site Components

The removal and disposal details of the site components are found below.

Modules: Modules will be inspected for physical damage, tested for functionality, and disconnected and removed from racking. Functioning modules will be packed, palletized, and shipped to an offsite facility for reuse or resale. Non-functioning modules will be shipped to the manufacturer or a third party for recycling or disposal.

Racking: Racking and racking components will be disassembled and removed from the steel foundation posts, processed to an appropriate size, and sent to a metal recycling facility.

Steel Foundation Posts: All structural foundation steel posts will be pulled out to full depth, removed, processed to an appropriate size, and shipped to a recycling facility. The posts can be removed using backhoes or similar equipment. During decommissioning, the area around the foundation posts may be compacted by equipment and, if compacted, the area will be de-compacted in a manner to adequately restore the topsoil and sub-grade material to a density consistent for vegetation.

Overhead and Underground Cables and Lines: All underground cables and conduits will be removed to full depth in a way that will not impede the reintroduction of farming. Topsoil will be segregated and stockpiled for later use prior to any excavation and the subsurface soils will be staged next to the excavation. The subgrade will be compacted per standards. Topsoil will be redistributed across the disturbed area. Overhead lines will be removed from the project and taken to a recycling facility.

Inverters, Transformers, and Ancillary Equipment: All electrical equipment will be disconnected and disassembled. All parts will be removed from the site and reconditioned and reused, sold as scrap, recycled, or disposed of appropriately, at the Owner's sole discretion, consistent with applicable regulations and industry standards.

Equipment Foundation and Ancillary Foundations: The ancillary foundation for Slayton Solar are pile foundations for the equipment pads. As with the solar array steel foundation posts, the foundation Piles are typically removed full depth using a vibratory hammer mounted on a backhoe or similar type of equipment. During the excavation, the topsoil will be segregated from the subsoil, so that the soil can be replaced in the excavation and compacted to restore

EESolar33 LLC Decommissioning Plan

the pre-construction soil profile. Duct banks will be excavated to full depth. All unexcavated areas compacted by equipment used in decommissioning will be de-compacted in a manner to adequately restore the topsoil and sub-grade material to a density similar to the surrounding soils. All materials will be removed from the site and reconditioned and reused, sold as scrap, recycled, or disposed of appropriately, at the Owner's sole discretion, consistent with applicable regulations and industry standards.

Fence: All fence parts and foundations will be removed from the site and reconditioned and reused, sold as scrap, recycled, or disposed of appropriately, at the Owner's sole discretion, consistent with applicable regulations and industry standards. The surrounding areas will be restored to pre-solar farm conditions to the extent feasible.

Access Roads: Facility access roads will be used for decommissioning purposes, after which removal of roads will be discussed with the Landowner, using the following process:

- 1) After final clean-up, access roads may be left intact through mutual agreement of the landowner and the Owner.
- 2) If a road is to be removed, aggregate will be removed and shipped from the site to be reused, sold, or disposed of appropriately, at the Owner's sole discretion, consistent with applicable regulations and industry standards. Clean aggregate can often be used as "daily cover" at landfills for no disposal cost. All internal service roads are constructed with geotextile fabric and eight inches of aggregate over compacted subgrade. Any ditch crossing connecting access roads to public roads will be removed unless the landowner requests it remains. The subgrade will be de-compacted using a chisel plow or other appropriate subsoiling equipment. All rocks larger than four inches will be removed. The access roads and adjacent areas that are compacted by the equipment will be de-compacted.

1.3.3 Restoration/Reclamation of Site

The Owner will restore and reclaim the site to the pre-solar farm condition to the extent practical consistent with the site lease agreement. The Owner assumes that most of the site will be returned to farmland and/or pasture after decommissioning and will implement appropriate measures to facilitate such uses. If no specific use is identified, the Owner will vegetate the site with a seed mix approved by the local soil and water conservation district or similar agency. The goal of restoration will be to restore natural hydrology and plant communities to the extent practicable while minimizing new disturbance and removal of native vegetation. The decommissioning effort will implement best management practices (BMPs) to minimize erosion and to contain sediment on the Project to the extent practicable with the intent of meeting this goal include:

EESolar33 LLC Decommissioning Plan

1. Minimize new disturbance and removal of native vegetation to the greatest extent practicable.
2. Remove solar equipment and all access roads up to full depth, backfill with subgrade material and cover with suitable topsoil to allow adequate root penetration for plants, and so that subsurface structures do not substantially disrupt groundwater movements.
3. Any topsoil that is removed from the surface for decommissioning will be stockpiled to be reused when restoring plant communities. Once decommissioning activity is complete, topsoil will be re-spread to assist in establishing and maintaining plant communities.
4. Stabilize soils and return them to agricultural use according to the lease agreements.
5. Prior to and after decommissioning activities, install erosion and sediment control measures, such as silt fences, bio-rolls, and ditch checks in all disturbance areas where the potential for erosion and sediment transport exists, consistent with stormwater management objectives and requirements.

Decommissioning and restoration activities at each site will be completed within 5-6 weeks after the solar energy farm is considered a discontinued use.

1.4 Post-Restoration Monitoring

Decommissioning of the site will comply with permits for the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Storm Water (CSW) Permit, Spill Containment, and Countermeasure (SPCC) Plan, and Storm Water Pollution Prevention Plan (SWPPP), if grading activities are necessary and exceed applicable permit thresholds. Decommissioning may include post-restoration monitoring as required by the NPDES/SDS CSW Permit and SWPPP and other applicable requirements.

Decommissioning Costs Table

Project Name: EESolar33 LLC

Date: February, 2024

Project Size 6.0 MW-DC | 4.0 MW-AC

	<i>Quantity</i>	<i>Unit</i>	<i>Unit Price</i>	<i>Line Item Price</i>
Mobilization/Demobilization	1	Lump Sum	\$35,277	\$35,277
Mobilization was estimated to be approximately 7% of total cost of other items. This number was developed from speaking with contractors.				
Permitting				
State Permits	1	Lump Sum	\$10,000	\$10,000
Subtotal Permitting				\$10,000
Decommissioning will require a SWPPP and SPCC plan, cost is an estimate of the permit preparation cost.				
Civil Infrastructure				
Removal Gravel Surfacing from Road	150	Cubic Yards	\$2.59	\$388.50
Haul Gravel Removed from Road	150	Cubic Yards	\$5.44	\$816.00
Disposal of Gravel Removal from Road	224	Tons	\$0.00	\$0.00
Removal Geotextile Fabric from Road Area	225	Square Yards	\$1.40	\$315.00
Haul Geotech Fabric Removed from Beneath Access Roads	0.06	Tons	\$3.99	\$0.25
Disposal of Geotech Fabric Removed from Beneath Access Roads	0.06	Tons	\$81.00	\$5.03
Removal Culvert from Beneath Road	1	Each	\$1,200.00	\$1,200.00
Haul Culvert Removed from Road	1	Each	\$3.99	\$3.99
Disposal of Culverts	1	Each	\$24.30	\$24.30
Grade Road Corridor (Re-spread Topsoil)	380	Linear Feet	\$1.59	\$604.20
Erosion and Sediment Control for Road Restoration	340	Linear Feet	\$3.29	\$1,118.60
Till to Farmable Condition	0.0002	Acres	\$402.87	\$0.08
Removal of Security Fence	5,140	Linear Feet	\$12.43	\$63,890.20
Subtotal Civil Infrastructure				\$68,366.14
Structural Infrastructure				
Removal Steel Foundation Posts (Arrays, Equipment, Met Towers)	1688	Each	\$13.38	\$22,585.44
Haul Tracker Steel Post	124	Tons	\$10.24	\$1,269.76
Removal Drive Motor Posts	110	Each	\$13.38	\$1,471.80
Haul Drive Motor Posts	8	Ton	\$10.24	\$81.92
Removal Tracker Racking	106	Each	\$160.00	\$16,960.00
Haul Tracker Racking	123	Ton	\$10.24	\$1,258.48
Subtotal Structural Infrastructure				\$43,627.40
Steel removal costs were calculated by using information from array manufacturers for installation rates and using the same rates to calculate total days to remove equipment. Hauling calculations are based on the locations of metals recyclers.				
Electrical Collection/Transmission System				
Removal of PV Modules	10,176	Each	\$5.27	\$53,627.52
Haul PV Modules for Disposal	263	Tons	\$3.99	\$1,049.52
Disposal of PV Modules	263	Tons	\$81.00	\$21,306.00
Removal of Inverters	40	Each	\$48.00	\$1,920.00
Removal of PCU Station (Inverters/Panelboard/Transformer)	1	Each	\$4,000.00	\$4,000.00
Haul PCU Equipment to Recycler	1	Each	\$230.50	\$230.50
Remove Equipment Pad and Foundations	1	Each	\$784.49	\$784.49
Haul Concrete Foundations	8	Tons	\$3.99	\$31.92
Disposal of Concrete from Transformer Foundation	8	Tons	\$81.00	\$648.00
Remove, Haul, and Dispose of Timber Transmission Poles	12	Each	\$1,000.00	\$12,000.00
Remove and Haul MV Power Cables	2991	Linear Feet	\$18.14	\$54,256.74
Removal of DC Collector System Cables (copper)	4	Per MW	\$1,950.00	\$7,800.00
Removal of Underground (AC) Cables	1040	Linear Foot	\$2.70	\$2,808.00
Load and Haul Cables for Recycling	10	Ton	\$8.25	\$82.50
Subtotal Electrical Collection/Transmission System				\$160,545.19

Electrical removal costs of PV Modules and Combiner Boxes were based on industry standards for installation rates of a two man work crew. PCU Station, MV Equipment and Scada Equipment removal cost are based on removal of equipment, concrete pads, and conduits using a truck mounted crane and contractor provided information on installation rates. Cable removal assumed using trenching, standard industry production rates.

Site Restoration

Stabilized Construction Entrance	1	Each	\$2,000.00	\$2,000.00
Perimeter Controls	5,140	Linear Feet	\$3.29	\$16,910.60
Till to farmable condition at array areas and basin	30	Acres	\$150.48	\$4,514.40
Clearing and grubbing for Trees	0	Acres	\$7,259.43	\$0.00
Remove Sedimentation Basin	4	Each	\$6,997.80	\$27,991.20
Subtotal Site Restoration				\$51,416.20

Site restoration costs are based on past solar project experience.

Project Management

Project Manager - half time	20	Weeks	\$1,900.00	\$38,000.00
Superintendent	20	Weeks	\$3,525.00	\$70,500.00
Field Engineer	20	Weeks	\$2,325.00	\$46,500.00
Clerk	20	Weeks	\$750.00	\$15,000.00
Subtotal Project Management				\$170,000.00

Standard industry weekly rates from RS Means. 2 week schedule used

Subtotal Demolition/Removals **\$539,231.78**

Contingency (10%) **\$53,923.18**

Total Demolition/Removals **\$593,154.96**

Salvage

Fencing	56	Tons	\$348.75	\$19,530.00
Steel Posts	124	Tons	\$348.75	\$43,245.00
Module Racking	123	Tons	\$348.75	\$42,860.87
PV Modules	10,176	Each	\$32.76	\$333,365.76
Inverters and Transformers	1	Each	\$35,616.72	\$35,616.72
Scada Equipment	1	Each	\$5,000.00	\$5,000.00
DC Collection Lines	24,088	Pounds	\$0.75	\$18,066.00
AC Collection Lines	1560	Pounds	\$0.38	\$592.80

Salvage values are a combination of the following factors; current market metal salvage prices, current secondary market for solar panel module recycling, discussions with national companies that specialize in recycling and reselling electrical transformers and inverters, and the assumption that care is taken to prevent any damage or breakage of equipment.

Subtotal Salvage **\$498,277.15**

Net Demolition Minus Salvage **\$94,877.81**

Notes:

1. Prices used in analysis are estimated based on research of current average costs and salvage values.
2. Prices provided are estimates and may fluctuate over the life of the project.
3. Contractor means and methods may vary and price will be affected by these.

Decommissioning Assumptions

To develop a cost estimate for the decommissioning of the Project, the following assumptions and pricing references were utilized. Costs were estimated based on current pricing, technology, and regulatory requirements. The assumptions are listed in order from top to bottom of the estimate spreadsheet.

1. The projected life of the Project is 25-35 years.
2. Decommissioning will utilize a full-time Project Manager or support staff.
3. Common labor will be used for most of the tasks except for heavy equipment operation.
4. Mobilization was estimated at approximately 7% of the total cost of other items.
5. Permit applications required include the preparation of a Storm Water Pollution Protection Plan (SWPPP) and a Spill Prevention Control and Countermeasure (SPCC) Plan.
6. Road gravel removal was estimated on a time and material basis using a 16-foot width and an 8-inch thickness for the access roads. Because the material will not remain on-site, a hauling cost is added to the removal cost. Road aggregate can often be disposed of by giving to landowners for use on driveways and parking areas. Many landfills will accept clean aggregate for use as "daily cover" and do not charge for the disposal.
7. Grade Road Corridor reflects the cost of mobilizing and operating light equipment to spread and smooth the topsoil stockpiled on-site to replace the aggregate removed from the road.
8. Erosion and sediment control along roads reflect the cost of silt fence on the downhill side of the roads and surrounding all on-site wetlands.
9. In most cases, topsoil is required to be stockpiled on the Project site during construction, therefore any such stockpiled topsoil can be used to replace the road aggregate, once removed. This will help in eliminating the costs for any borrowed landfill. Tilling to an agriculture-ready condition is estimated at \$402.87 per acre (based on DOT bid prices for Soil Bed Preparation). The majority of the Project area is assumed to be tilled to an agriculture-ready condition. Because decommissioning activities are not expected to eliminate the grasses and vegetation under the arrays or heavily compact the soils the restoration effort is expected to be limited. Array areas left as pasture will require little restoration effort because the arrays will have been planted with native plants and pollinator seed mixes. As a result, the soils will have been rejuvenated by having been removed from intensive farming.
10. Fence removal includes loading, hauling, and recycling or disposal. The fence and posts weigh approximately 10 pounds per foot.

EESolar33 LLC Decommissioning Plan

11. Array support posts are generally lightweight "I" beam sections installed deep into the ground. Crew productivity is approximately 30 posts per hour, and the same crew and equipment should have similar productivity removing the posts, resulting in a per ton cost of approximately \$13.38. When salvage values have not been recognized the costs for processing metal to size and the hauling cost to a more distant recycling facility are generally not included, but the minimum decommissioning financial security controls by such a large margin that the lower price for removals and freight are not shown.
12. The underground collector system cables are placed in trenches with a minimum of four feet of cover.
13. To reduce tracking of sediment off-site by trucks removing materials, we have included a stabilized construction entrance price to the "Site Restoration" section based on state DOT bid prices for similar items.
14. Perimeter control pricing is based on a sediment fence placed on the downgrade side of the work area perimeters and protecting wetlands and drainage swales within the project area.
15. No topsoil will be removed from the landowner's property or used on other landowner's property during decommissioning. The majority of the Project site is not anticipated to have been compacted by heavy truck or equipment traffic so no topsoil will need to be imported, and very few areas will need to be de-compacted.