

Community Development Department

222 Lewis Street
River Falls, WI 54022
715.425.0900
www.rfcity.org



**EXTRATERRITORIAL ZONING COMMITTEE (WITH THE TOWN OF RIVER FALLS)
NOVEMBER 27, 2023, AT 6:00 PM
CITY HALL COUNCIL CHAMBERS**

AGENDA

CALL MEETING TO ORDER

APPROVAL OF AGENDA/MINUTES

1. Minutes of March 27, 2023 Meeting

PUBLIC COMMENTS – Non-Agenda Items

PUBLIC HEARING

2. Special Use Permit for Unique Farming (anaerobic digester facility) at W10322 Highway 29 (PID 022011541000) – Vanguard Renewables and Peterson Family Real Estate, LLC

UPDATES AND INFORMATION

ADJOURNMENT

***Council members may be in attendance for informational purposes only.
No official Council action will be taken.***

NOTE: Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials to be in an accessible location or format may contact City Clerk Amy White at (715)-426-3408 or in person at 222 Lewis Street for accommodations. Requests for accommodations should be made at least three (3) business days in advance of the meeting. Every effort will be made to arrange accommodations.

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**MINUTES
EXTRATERRITORIAL ZONING COMMITTEE (WITH THE TOWN OF RIVER FALLS)
MARCH 27, 2023
CITY COUNCIL CHAMBERS**

- Members Present:** Patricia LaRue, Chris Holtkamp, Mike Woolsey, Diana Smith (Town Chair), Patrick Singel, Kurt Leichtle
- Members Absent:** None
- Staff Present:** Emily Shively – City of River Falls, Kendra Ellner – City of River Falls, Jerome Rodewald – Township Zoning Administrator, Don Rodewald Township Zoning Administrator
- Others Present:** Joseph Block, Adam Tripp, Kate Tripp, Roy Lund, Rodney Miller, Karen Miller and John Kucinski.

CALL TO ORDER

Smith convened meeting at 6:00 p.m.

APPROVAL OF MINUTES

None. M/Singel and S/Holtkamp motion passes 6-0.

PUBLIC COMMENTS

None.

CURRENT ITEMS

1. Rezoning Request for XXX 965th St. in the Extraterritorial Zone (PID 022010310100)

Ellner briefly presented details of the item and turned it back to the committee for questions or comments. Woolsey asked for clarification of the configuration of the access to the property. Ellner displayed the image to illustrate the proposed alignment from S 965th St. LaRue asked about the future public access down 965th St. Ellner confirmed a future road is proposed and would be close to the ballfield. LaRue invited the owner of the subject parcel – Joseph Block, to briefly describe the intent of this application. Block addressed the committee to share that he is also the owner of the east parcel zoned Exclusive Agriculture and leases seven acres for a corn field. The intent for selling the 15 acres is for one single-family home not a mass development. The new owners – the Tripp’s addressed the committee to reaffirm that they are looking for a modest 1.5 story home to be quiet and private.

Town Zoning Administrator Jerome Rodewald addressed the committee to communicate that there are approximately 13.5 acres of managed forest, and the new owners would intend to keep the trees maintained leaving 1.5 acres of buildable land for their single-family home. This would be the most ideal use for the land while the driveway may be a challenge to build on the slope, it should not be a nuisance for surrounding property owners. The property would also not be in City sewer service boundary, and it is not scheduled for dense housing developments as steep slopes create the challenge to extend water and sewer. Lastly Rodewald mentioned that the rezone was triggered by the municipal code with the context of “substantial income” from

farming. Rodewald noted that the language was taken out of state statute and township ordinance but has not been updated for the ETZ ordinance.

There were a few public comments from residents. The Miller's mentioned that they lived west of the subject property were concerned about the driveway abutting the back of their property which they were not in favor of and declared that the reason he lived near the school was for privacy and no future development. Shively verified that the specific engineering has not been complete for the driveway therefore further conversations between the property owners to come to a consensus might be warranted. The Tripp's affirmed that they want to be good neighbors and would continue discussions with neighbors ensuring there would be no issues. Holtkamp restated that there will be a future road there and Shively acknowledged that unless there was development needed to be served to the southeast it would not happen anytime soon as there were no property owners interested in selling at this time. Smith reaffirmed that if anything were to happen in the township there would be opportunity for the community to speak to the Council and be involved in the process.

Another property owner- Kucinski currently owns 40 acres to the South of the subject property noted he was in support of the rezone. Lund commented that there may be challenges with the snowplow as it typically turns around on his property and there may be property damages if the driveway is not properly accessible. Rodewald recognized that the proposed driveway had a radius curve that supports feasibility for snow removal and tree preservation.

Public comments concluded. Diana Smith read the resolution and noted an amendment to change the third Whereas line dated from 2002 to 2022.

- M/LaRue and S/Woolsey motion passes 6-0 for the change on the third Whereas, from 2002 to 2022.
- M/ Holtkamp and S/Singel motion passes 6-0 for the recommended approval of the resolution with the change.

ADJOURNMENT

M/Leichtle, S/Holtkamp motion passes 6-0 adjourned at 6:25pm

Respectfully submitted,

Kendra Ellner

Community Development Department

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MEMORANDUM

TO: Members of the Extraterritorial Zoning (ETZ) Committee for the City of River Falls and the Town of River Falls

FROM: Emily Shively, Assistant Director of Community Development, City of River Falls

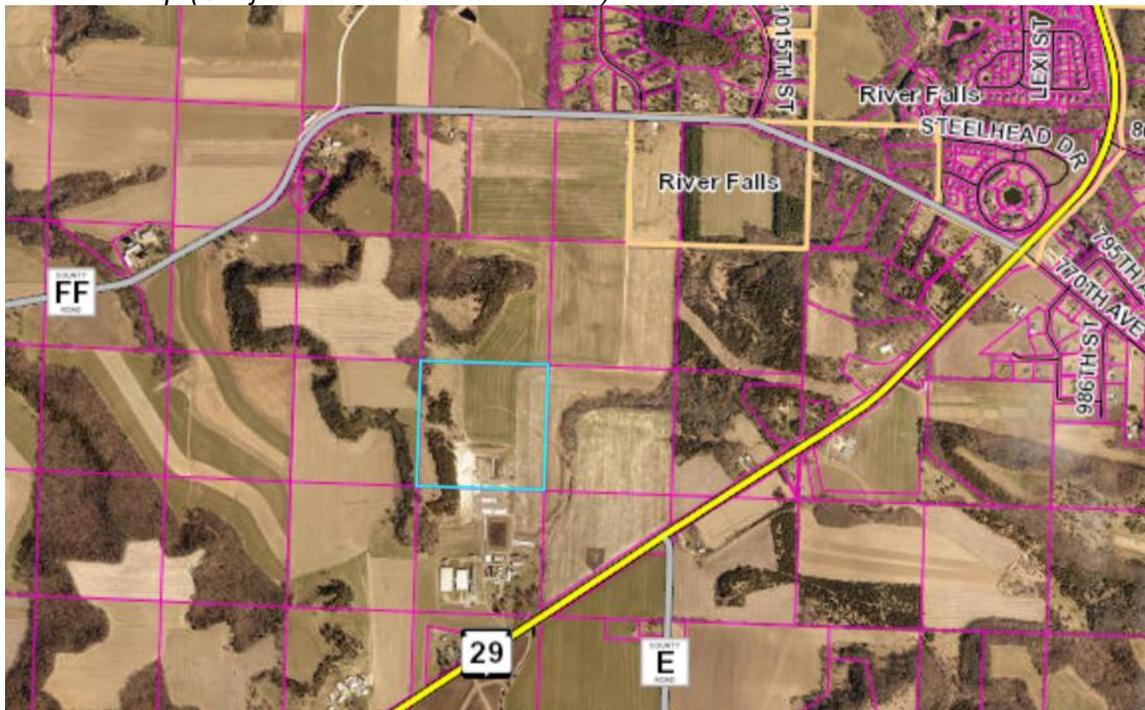
RE: Special Use Permit Request for Unique Farming (Anaerobic Digester Facility) at W10322 Hwy 29, Town of River Falls, in the Extraterritorial Zone (Parcel Identification Number: 022011541000)

DATE: November 27, 2023

INTRODUCTION

An application for a Special Use Permit for Unique Farming in the A-1 Exclusive Agricultural District in the City of River Falls Extraterritorial Zoning area has been submitted by Vanguard Renewables in cooperation with Peterson Family Real Estate LLC to operate an anaerobic digester facility at W10322 Highway 29 in the Town of River Falls. The proposed facility would be located on the parcel immediately north of the existing Peterson dairy farm adjacent to the sand extraction area (Parcel Identification Number: 022011541000).

Location Map (Subject Parcel Outlined in Blue)



DESCRIPTION OF THE PROPOSED USE

The applicant is proposing the construction of an anaerobic digester facility on up to 11 acres adjacent to the north side of the Peterson dairy farm operation. The proposed facility would combine manure from the farm operations with organic food waste brought to the facility from food producers, restaurants, grocery stores, and other uses that generate organic food waste. Some material would be brought to the facility ready to incorporate into the digester and some material would be de-packaged at the facility. The anaerobic digester process creates biogas (for use as an energy product), a dry waste product that may be used as compost or animal bedding, and liquid fertilizer that may be applied to crop land in accordance with nutrient management guidelines. The applicant has provided a detailed description of the anaerobic digester process which may be found in Attachment A.

The anaerobic digester facility is anticipated to have 8-10 full time employees working on site Monday through Saturday. The applicant has stated that delivery of the food waste material will occur between the hours of 5am and 10pm daily (excluding Sundays). The applicant has stated that deliveries will not be permitted when staff is not on site and the facility will be monitored remotely to ensure safe and compliant operations when staff is not present.

The applicant has estimated that there will be approximately 20-25 trucks per day entering and exiting the site via an improved access drive from County Highway FF immediately west of the River Falls Dog Park. The primary access via FF is preferred by Peterson Family Real Estate in order to minimize disturbance to the farm's existing operations.

Staff requested that the applicant provide their rationale for accessing the site via CTH FF rather than from State Highway 29. The applicant stated the following:

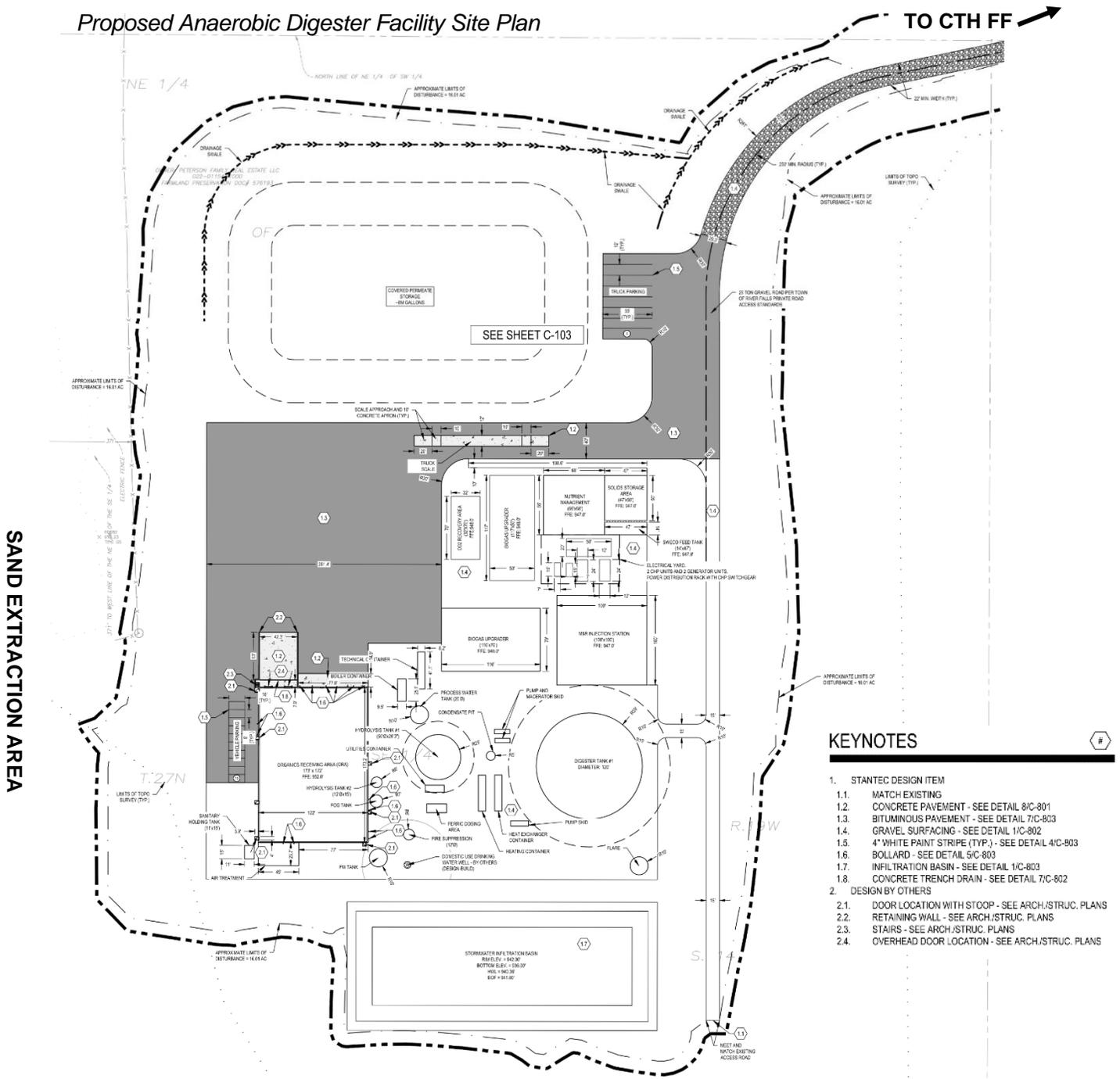
- Accessing the site via STH 29 would be operationally extremely difficult if not impossible due to the farm's existing operations and layout.
 - Accessing via the existing drive used by the Peterson Dairy and Peterson Family would require widening the drive between 29 and the project area.
 - This would be too disruptive to the farming operation, the mining operation and the existing farm infrastructure and likely be in conflict with ongoing improvements being built out by the dairy.
 - Routing an access drive from the proposed facility along the west side of the Peterson Farm would encroach into the sand mine's lease area.
 - There would not be enough space between the manure lagoon and the dairy's existing barns and grain storage for widening the road.
 - Construction of a new dedicated access road from Route 29 does not appear viable due to "Have a Heart Inc" to the west of the existing dairy access.
 - On the east side of the farm, additional crop land would have to be disturbed with a permanent crossing over of the seasonal stream "Rocky Run."
 - Access via 29 through the dairy's operation will be an option during an emergency or unforeseen condition, but regular daily access would be prohibitive to the dairy's operation.

The Wisconsin Department of Transportation estimates that there are approximately 530 annual average daily trips (AADT) on CTH FF and approximately 3,300 AADT on State Highway 29 in this area.

The applicant has provided the following information regarding the current terms between Vanguard Renewables and Peterson Family Real Estate pertaining to the facility location, contract duration, and responsibility of the parties with respect to operations:

- Vanguard Renewables and Peterson Family Real Estate entered into a ground lease for up to eleven acres that will run for twenty years starting at the commercial operations date, with mutually agreed upon five-year extension options to be considered at the end of the initial twenty-year term.
- Peterson Family Dairy will continue to operate as they do today, with Vanguard taking the manure produced by the farm prior to it entering the existing onsite lagoon.
- Vanguard will deposit the organics digestate (a mix of manure and organic waste used for digestion) into a newly constructed lagoon.
- Peterson Family Dairy will then be responsible for the use of the organic material (dry and liquid digestates).
- Vanguard will be responsible for the operations and emergency response related to the digestion facility.

Proposed Anaerobic Digester Facility Site Plan



KEYNOTES

1. STANTEC DESIGN ITEM
 - 1.1. MATCH EXISTING
 - 1.2. CONCRETE PAVEMENT - SEE DETAIL 8/C-801
 - 1.3. BITUMINOUS PAVEMENT - SEE DETAIL 7/C-803
 - 1.4. GRAVEL SURFACING - SEE DETAIL 1/C-802
 - 1.5. 4" WHITE PAINT STRIPE (TYP.) - SEE DETAIL 4/C-802
 - 1.6. BOLLARD - SEE DETAIL 5/C-803
 - 1.7. INFILTRATION BASIN - SEE DETAIL 1/C-803
 - 1.8. CONCRETE TRENCH DRAIN - SEE DETAIL 7/C-802
2. DESIGN BY OTHERS
 - 2.1. DOOR LOCATION WITH STOOP - SEE ARCH./STRUC. PLANS
 - 2.2. RETAINING WALL - SEE ARCH./STRUC. PLANS
 - 2.3. STAIRS - SEE ARCH./STRUC. PLANS
 - 2.4. OVERHEAD DOOR LOCATION - SEE ARCH./STRUC. PLANS

TOWN OF RIVER FALLS REVIEW

The Town of River Falls reviewed a request for a Conditional Use Permit for the anaerobic digester facility at a meeting of the Plan Commission and Town Board on July 10, 2023. The Plan Commission recommended approval of the Conditional Use Permit and the Town Board unanimously approved the Conditional Use Permit and forwarded their recommendation to the Extraterritorial Zoning Committee of the City of River Falls and Town of River Falls.

The Conditional Use Permit approved by the Town of River Falls contains provisions that outline general provisions of the permit, address off-site impacts and groundwater quality, establish inspection enforcement procedures and penalties, and provides a timeline for regular review of the Conditional Use Permit to ensure compliance with the conditions of the permit (see Attachment B).

Staff is recommending that, if approved, the Special Use Permit shall terminate upon revocation of the Town-issued Conditional Use Permit. The Town of River Falls will be responsible for enforcing the terms of the Conditional Use Permit they have issued, and the City of River Falls will be responsible for enforcing the terms of the City-issued Special Use Permit.

ANALYSIS

PURPOSE OF THE A-1 EXCLUSIVE AGRICULTURAL ZONING DISTRICT

The purpose and intent of the A-1 Exclusive Agricultural District is outlined in the ordinance as follows:

The A1 district provides for exclusive agricultural uses. The intent is to preserve productive agricultural soils, maintain agriculture as a permanent, viable land use and economic activity, control untimely and uneconomical expansion of urban facilities and services, avoid conflicting land uses and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits, as per Wisconsin Statutes. The purpose of the A1 exclusive agricultural zoning district is more fully set out in "The Farmland Preservation Plan, City of River Falls" and its accompanying maps which are incorporated herein by reference.

The proposed facility is directly related to the main dairy and crop farming on the Peterson farm as it requires inputs from the farm operations (manure) and a portion of the outputs from the facility will be used on the farm (bedding; compost; fertilizer). The facility will also provide lease payments to the farm, diversifying farm revenues. The contract agreement is likely to preserve the associated farm uses for at least the duration of the contract due to the interrelatedness of the two operations.

SPECIAL USES IN THE A-1 EXCLUSIVE AGRICULTURAL DISTRICT

The proposed anaerobic digester is considered to be a "unique farming" use which is permitted via Special Use Permit in the A-1 Exclusive Agricultural District.

CRITERIA FOR EVALUATING A SPECIAL USE PERMIT REQUEST

Per Sec.17.108.150.E., in reviewing applications for special uses, the Extraterritorial Zoning Committee and City Council shall consider the following criteria; the applicant has provided a response to each criteria (in italics) and the staff evaluation follows.

1. Purposes of the zoning code, [Title 17](#) of this municipal code, and intent of this subsection: *Vanguard Renewables and Peterson Family Dairy believe that the proposed facility meets the requirements for issuing a Special Use Permit in the A-1 Exclusive Agricultural Zoning under 17.108.150 Subsection C-3 for "Unique Farming," as the proposed digestion facility is an agricultural use not mentioned in 17.108.150 subsection B.*

- a. *There are no private residences located within ¼ mile of the proposed project area.*
- b. *All land within ¼ mile of the proposed project area is also zoned A-1.*
- c. *The closed landfill located at the City of River Falls Dog Park limits the likelihood of future residential development in this area.*
- d. *Township of River Falls Planning Commission recommended the approval of a Conditional Use Permit for the proposed use.*

Staff review of the proposed use finds that it meets the purposes of the zoning code, Title 17 of the Municipal Code, and the intent of Sec.17.108.150.E. as noted above. This criteria is met.

2. Potential for conflict with agricultural uses:

Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) considers the proposed facility an agricultural accessory. We do not think this project presents a conflict with agricultural uses on site or nearby, with the exception of utilizing a portion of land that is currently being cropped.

The proposed use is directly related to the existing farming operations on the site and is anticipated to be compatible with the agricultural uses on the property. This criteria is met.

3. Need of the proposed use for a location in an agricultural area:

The proposed facility requires manure from Peterson Family Dairy to be used in the process of digestion necessitating the need for the facility to be located on agricultural land. No manure will be brought in from off-site or from other dairies. The by-product of the anaerobic digestion facility is a nutrient rich liquid that is certified as fertilizer by the state to be used by the dairy and sold to neighboring farm and crop operations. Having this proposed facility located in the areas immediately next to the existing farm operations minimizes the disturbance to more remote areas of the farm.

As noted above, the anaerobic digester use is directly related to the farm use with the need for manure as an input and the use of the dry solids and liquid fertilizer outputs. This criteria is met.

4. Availability of alternative locations:

This section of the farm was chosen because of its proximity to the existing dairy barns, existing lagoon, and the wishes of the Peterson Family to not have it far away from existing operations or on other more productive land.

The interrelatedness of the farm and anaerobic digester uses requires proximity of the two operations. Given the layout and location of existing farm operations, particularly the location of the existing manure lagoon, the proposed location provides for efficiencies and is a reasonable site for the digester facility. This criteria is met.

5. Compatibility with existing or permitted uses on adjacent lands:

The surrounding crop land is also zoned A-1; this parcel represents the last 40-acre section subject to review by the City of River Falls. This parcel was chosen over others due to its accessibility to the dairy's operations, to reduce disturbances on land south of Route 29 and associated infrastructure modifications, and to limit the disturbance to other natural features in the area such the seasonal stream named "Rocky Run" just east of the project area and the hilled area directly to the west of the proposed facility.

The 80 acres to the east and 160 acres to the north of the proposed facility (as measured from the existing 40 acre parcel that the facility will be located on) are zoned Exclusive Agriculture in the City of River Falls ETZ and the approximately 160 acres to the southwest of the proposed facility are zoned Farmland Preservation in the Town of River Falls. As the proposed use is associated with agricultural uses, compatibility with permitted uses on adjacent lands is anticipated.

As noted above, the Conditional Use Permit issued by the Town of River Falls contains provisions to address nuisance conditions should they arise and regular review of the permit to ensure the compliance of the operations with the conditions of the permit (Attachment B).

Staff is recommending, as a condition of the Special Use Permit (see recommended conditions on page 7), a limit of 30 trucks per day accessing the facility via CTH FF and requiring paving of the portion of the access drive along the entire length of the City parcel containing the dog park to reduce the potential for dust from truck traffic. Provided the operations maintain compliance with the conditions of the Town CUP and City SUP, as well as any other required permits, this criteria is met.

6. Productivity of the lands involved:

The proposed facility is located on approximately 11 acres that is being used as a soil / clay stockpile, farm equipment storage, and arable land. The land that is currently cropped is not as productive as other areas on the farm which was why the farm selected this parcel.

The land where the proposed facility would be located may be productive agricultural land; however, as noted by the applicant, this location is most suitable given the characteristics and use of the area. This criteria is met.

7. Location of the proposed use to reduce to a minimum the amount of productive agricultural land converted:

Based on the productivity of the land of the dairy farm, and the characteristics listed above, this area was specifically chosen to minimize productive agricultural land converted, while keeping the proposed facility near the existing farm operations. This chosen area will also minimize the productive land converted due to the proximity to the nearby closed landfill.

The facility is designed to have an efficient footprint, minimizing the amount of land converted from agricultural production. This criteria is met.

8. & 9. Current and future need for public services created by the proposed use & availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden:

Vanguard has engaged with Xcel Energy and Pierce Pepin Co-op in order to secure a separate electrical service for this proposed project. Pierce Pepin Co-op currently serves the Peterson Family Dairy with electricity but does not have enough service available to power our facility. Based on the proposed infrastructure improvements and timing of same, Vanguard Renewables is proposing to install two Combined Heat and Power units in order to meet our demand.

Vanguard has also engaged with Northern Natural Gas for delivery and receipt of natural gas. Vanguard will be paying for all necessary upgrades for this improvement.

The proposed facility does not require and will not be served by City sewer or water utilities. This criteria is met.

10. Effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources:

Vanguard is currently seeking approval from WDNR for all required environmental permits. WDNR has approved the "Plan of Operations" (POE) as part of the solid waste permit application. The POE approval allows for the construction of the facility to begin, and the balance of the Solid Waste permit approval will be secured prior to operations commencement. Vanguard has also filed for the Type G Registration Permit through the Wisconsin air pollution control program. Based on all of the air modeling performed to date the proposed facility falls well within the allowable limits under the registration. Approval is expected by the end of November.

All applicable regulatory permits shall be approved and maintained in good standing as a condition of approval of the Special Use Permit. Groundwater sampling data shall be provided to the City upon request to monitor compliance with permits and appropriate actions are taken to protect groundwater as a condition of approval. Provided that permits are obtained and operations remain in compliance, this criteria is met.

CONDITIONS FOR THE GRANTING OF THE SPECIAL USE PERMIT

Sec.17.108.150.F allows the following conditions to be attached to the granting of a special use:

Increased setbacks and yards; specifications for water supply, liquid waste and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls and time at operation; air pollution controls, erosion prevention measures; reclamation measures and performance bonds; special inspections; additional fees to offset public costs of administering, monitoring and enforcing conditions; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this subsection.

The proposed facility meets setback requirements in the A-1 Exclusive Agricultural District. As the area surrounding the facility is controlled by Peterson Family Real Estate, additional setbacks are not needed. If Vanguard Renewables plans to have a separate well for the digester operations it will need to be permitted by the Department of Natural Resources. Additionally, waste disposal shall be permitted by the DNR. The Peterson Farm has a nutrient management plan for the application of fertilizer on crop lands. The Conditional Use Permit issued by the Town of River Falls addresses operational controls, monitoring, and potential nuisance conditions (see Attachment B).

Staff recommends the following conditions be placed on the Special Use Permit:

1. The term of the Special Use Permit shall run consecutively with the contract term of the agreement between Vanguard Renewables and Peterson Family Real Estate, LLC. and shall terminate upon the date of termination of the agreement between the parties.
2. The Special Use Permit shall terminate upon revocation of the Conditional Use Permit granted by the Town of River Falls (Approved July 10, 2023)
3. No manure shall be brought to the facility from off-site.
4. Expansion of the facility beyond the 11-acre lease site shall require review and approval of an amendment to the Special Use Permit.
5. Trucks accessing the facility via County Highway FF shall be limited to 30 per day. Vehicles in excess of 30 trips per day to the site shall access the facility via State Highway 29 unless an amendment to the Special Use Permit is approved to allow for additional trips via County Highway FF.

6. The driveway connection at County Highway FF shall be constructed to commercial driveway standards as outlined in the City of River Falls Municipal Code.
7. The access drive to the facility from County Highway FF shall be paved with a bituminous surface along the entire western parcel boundary of W10225 County Highway FF (PID 276020650200).
8. Groundwater sampling data shall be provided to the City upon request.

The proposed conditions reflect approval of the operation only while the contract between the parties is in effect; ties the approval to compliance with the conditions enumerated in the Conditional Use Permit issued and enforced by the Town of River Falls; and limits the intensity and extent of the operations to what the parties anticipate as shown in their submittal materials. If a change in operations that intensifies the use is desired, the parties must apply for an amendment to the Special Use Permit that would be reviewed by the Extraterritorial Zoning Committee and require approval by the City Council.

SUMMARY

Vanguard Renewables, in conjunction with Peterson Family Real Estate LLC, is proposing the construction and operation of an anaerobic digester at W10322 Highway 29 in the Town of River Falls on a parcel north of the main farm area which falls within the City of River Falls Extraterritorial Zoning Area. The proposed use is considered a Special Use (Unique Farming) in the A-1 Agricultural District. Staff review of the Special Use Permit criteria has found that the request meets the requirements for granting a Special Use Permit, subject to conditions.

RECOMMENDATION

Staff recommends that the Extraterritorial Zoning Committee review the draft City Council resolution (Attachment C), make any desired modifications, and forward the resolution to the City Council with a favorable recommendation. Should the resolution be forwarded to the City Council, the City Council shall take action without revisions per Sec.17.108.150.E.

ATTACHMENTS

Attachment A: Applicant Narrative/Description of the Proposed Use

Attachment B: Approved Conditional Use Permit (dated July 10, 2023) issued by the Town of River Falls

Attachment C: Draft City Council Resolution

1. Inventory and Waste Characterization of Food Waste, de-packaged waste recharacterization, residuals characterization

Source Separated Organics (SSO) – Organic materials that waste generators segregate at the source for isolated collection to remove them from the waste disposal stream, and to direct them to reuse. SSO includes:

- Food: organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods, including fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bakery items, cheese, eggshells, and coffee grounds
- Paper fibers: waxed cardboard, napkins, paper towels, uncoated paper plates, tea bags, coffee filters, wooden crates, and greasy pizza boxes
-

Packaged Food Material (PFM) – Food that has been wrapped or encased to contain, protect, handle, deliver, and present it to individual, commercial, or industrial distributors or consumers generated by small, medium and large food production operations. The majority of this food is unspoiled.

Unwanted Food – Food material from human or animal food production, preparation, and consumption activities, and which generally consists of (but is not limited to) fruits, vegetables, grains, and fish and animal products that may be out of specification, past its freshness date, or no longer desired. Sources of Unwanted Food may include commercial and institutional generators, including but not limited to food manufacturing and processing facilities, grocery stores, other retailers, restaurants, hotels, convention facilities, hospitals, colleges and universities. The majority of this food will still be fresh when it arrives and will be separated, and pre-processed quickly, before it spoils.

Although the ultimate goal is for all Unwanted Food received at the Facility to be isolated from solid waste at the source of generation, this source-separation is not always possible or a requirement in our relationships: when deliveries of Unwanted Food are received, they will be tipped on to a self-contained walking floor found within the ORA. Operators will screen the material for foreign material that may harm the machinery or cannot be removed by the separation process. If the load is not as proposed and/or not suitable for processing, the entire load or a portion thereof may be rejected from the facility. Furthermore, if hazardous or toxic substances are suspected in any load, the entire load may be rejected. Vanguard will provide signage at the ORA listing acceptable and unacceptable materials.

To maintain standard quality requirements The transporter and/or generator of materials will complete a Vanguard Renewables characterization form (see example under Appendix A) in advance of receipt.

Food De-packaging – Food may be packaged in many different ways. As a result, the food de-packaging operation may need to be performed differently even for the same type of food. Some may be accomplished easily in one pass through the separator with little operator oversight or

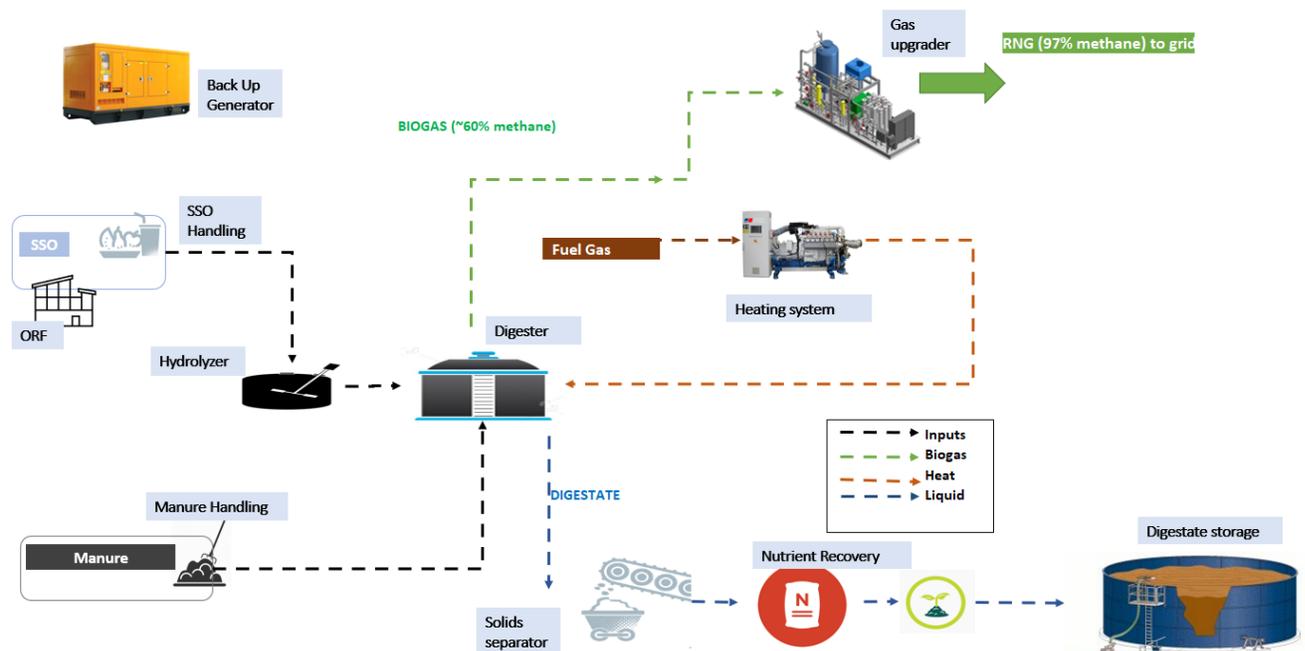


involvement, and some may require additional specific manual human pre-mechanical or post-mechanical de-packaging.

2. Description of the Entire Process Step by Step and the Responsible Parties

Vanguard develops, builds, owns, and operates anaerobic digesters on dairy farms producing renewable energy and other agricultural by-products such as liquid fertilizer and solid bedding.

The facilities will consist of a solids separation building, manure storage tank, glycerin storage tank, organics storage tank, boiler container, technical container, organics receipt building, laboratory/office container, anaerobic digester tank system, backup generator, biogas upgrader, flares, nutrient management building, and nutrient storage (tank(s) or lagoon).



SSO/Foodwaste Handling (ORA)

The Organics Receiving Area (ORA) will take in unwanted food that may be heterogeneous in nature, prepackaged for sale for industrial or consumer consumption, or homogenous unwanted food that may be too large, too wet, too dry, etc. in its raw form to be added directly to Vanguard’s current or future organic receiving processes.

Delivery of the food waste material will occur on a 6-day-per-week basis. Based on existing projects, we estimate the facility will receive approx. 20 trucks per day between 5am and 10pm Monday through Saturday. The wide range of reception time is to allow for flexibility with



coordinating multiple deliveries from multiple haulers who must work around the farm's other operational processes. Haulers carrying solid SSO material will be driving 10 to 40-yard roll-off trucks and haulers carrying liquid SSO will be driving trucks equipped with hoses for material transfer.

When deliveries of Unwanted Food are received, they will be tipped on to a self-contained walking floor found within the ORA. Operators will screen the material for foreign material that may harm the machinery or cannot be removed by the separation process.

If the load is not as proposed and/or not suitable for processing, the entire load or a portion thereof may be rejected from the ORA. It is expected that incoming post-consumer Unwanted Food from food service establishments such as restaurants, hotels, and institutions may contain a certain amount of non-food contaminants such as plastic utensils, glass and plastic bottles, plastic and paper plates and cups, napkins, and paper goods. These may be removed manually during the screening inspection process or mechanically in the separator.

If hazardous or toxic substances are suspected in any load, the entire load may be rejected. Vanguard will provide signage at the ORA listing acceptable and unacceptable materials. The transporter and/or generator of materials will complete a Vanguard Renewables characterization form (see example under Appendix A) in advance of receipt.

Incoming material will be sampled periodically in order to assist in managing the process for pH, Total Solids and/or Total Volatile Solids.

All incoming vehicles will be weighed. The truck's inbound weight, the generator name, time of delivery will be recorded. All delivery vehicles must be preapproved. Once the weigh scale transaction is completed, the delivery vehicle will be directed through a high-speed roll up door into the Facility for unloading. The door will be closed directly after the truck is fully inside the building. ORA staff within the building will reconfirm the truck identification and specifics and perform an initial pre-tip inspection. Tipping will only occur after the pre-inspection and when ORA staff is available for inspection of the load available. The walking floor can hold more than a full truck delivery and therefore can be stopped for further inspection of removal of undesirable materials.

After tipping and inspection is completed, any materials removed will be placed in the residuals compactor for off-site disposal or for off-site recycling if quantities demand. Based on volume alone, we are currently estimating that no greater than 10% of material received at the facility will be waste or inorganic material.

Once the normal roll-off container (approximately 35 CY) within the building is filled it will be immediately removed and replaced. At times one additional 30 CY roll-off container (for larger or specific materials) will be available on-site. When this container is filled it will be removed and replaced, so as there will be no more than 65 yards total of waste residuals and/or recycling materials on-site at any one time.

Packaged Food Material (PFM) also will only be received through prior coordination and agreement with the transporter and/or the generator. Again, all deliveries must be pre-approved



through a completion and approval of a characterization form. An example of this profile form is included in Appendix A.

PFM delivery vehicles will typically be box trucks or other closed container vehicles. These PFM vehicles back up to the unloading dock of the building, where the rubber lock will be secured to the truck before opening the dock door curtain to be able to access the truck from inside the building. Small PFM deliveries may also be accepted on trucks that can fully enter via the high-speed doors. Prior to off-loading, the truck contents will be inspected. PFM will be unloaded by a forklift or other suitable equipment and placed in the pallet staging area of the facility for subsequent handling.

Initial depackaging may consist of manually removing plastic shrink-wrap or other outer packaging, if any, from PFM, and threw the use of a Scott's THOR Turbo Separator system (this technology has been used to remove the non-degradable inorganic materials from source-separated food material). As the incoming material varies, adjustments will be made to blend the unwanted food into one or more consistent, pumpable slurry.

These materials will be recycled as appropriate. Liquid material such as beverages, beverage concentrate, yogurt and other dairy products that are individually packaged in recyclable containers such as HDPR and PET will be processed in dedicated runs of the processing equipment so that the residual material may be collected in a dedicated separate bin or container for recycling. Solid, dry materials packed in paper products will similarly be processed in dedicated runs of the processing equipment.

Vanguard Renewables will control the type and delivery of materials to ensure that separation is plausible and successful. The Facility will not be open to the public, and all haulers using the Facility will be pre-approved by Vanguard Renewables. Vanguard will require all haulers accessing the Facility to have programs in place to educate their generators on the materials that are acceptable in the program, and to visually inspect collection containers (if feasible) prior to tipping into the collection vehicle, thereby ensuring that nonconforming material is minimized to the ORA.

Food Reception Tank

The food reception tank is designed as a 100,000 to 300,000-gallon tank, which will receive SSO food waste, FOG, and food processing solid residuals directly from the delivery trucks. His tank has contamination control on both inputs (screen on liquids hose connection and a grate where the lid opens to feed solid material). The tank will be connected to the digesters via a feedstock pipeline. The reception tank contains a pump and mixers to macerate and homogenize these materials. The tank will also contain several sensors to be used for monitoring temperature, level, and pH. The contents of the tank will be heated at approx. 40° C (104° F) for approximately 6 days before feeding the material to the digester. Material received in this tank will be piped from it to the digesters.

Technical Container

An approximate 40 ft by 8 ft shipping container will serve as a utility building that will house the electrical controls for the digester and other facility components.



Laboratory/Office Container

An approximate 40 ft by 8 ft shipping container will serve as a laboratory and office building. The laboratory will be used for testing the feedstock at various phases of the digestion process.

Anaerobic Digester Tank Systems

Up to two complete mix anaerobic digesters will be used for the Project. The digester will receive material from the manure separation building and food reception tank via feedstock pipelines. The quantity fed into the Digester will be dependent upon the quality and the quantity of material in the system overall. The contents of the AD will be mixed periodically by mixers. The Digester's temperature, level, and pressure are all monitored continuously via the SCADA system.

The liquid manure and feedstock will be piped to the digesters where they will be homogenized in the digestion tanks. While in the tanks, microbes will break down the mixture in an anaerobic environment, resulting in the production of biogas (methane, carbon dioxide, hydrogen gas, and water vapor) that will be upgraded to pipeline quality natural gas on-site in the biogas upgrader. The digester will heat the manure and food waste to approx. 40° C (104° F) for approx. 26 days.

Liquid digestate will be pumped from the digesters to the nutrient storage tank via an effluent pipeline. Biogas will be pumped to the biogas upgrader via a gas pipeline. Project-specific specifications for the digesters will be developed for the construction phase and are thus not yet available.

Backup Generator

A 500-kW diesel generator will be used for the Project to serve as a backup energy source. The generator and housing will be approximately 40 feet by 11 feet in size. The generator housing will provide protection for the machinery and will be insulated to reduce noise. The fuel tank will have rupture containment and alarms, and a spill pallet will be sized to capture the entire storage volume of the storage tank.

Biogas Upgrader

Biogas produced in the digesters will be piped to the on-site biogas upgrader where it will be upgraded to pipeline quality natural gas. The upgrading process involves the removal of carbon dioxide, hydrogen sulfide, and water vapor, among others, from the raw biogas. The upgraded biogas would be piped directly or via virtual pipeline into the existing local distribution network as RNG.

Flare

Excess biogas, which is not able to be processed through the biogas upgrader, will be directed to the on-site flare.

Manure Storage Tank

A manure storage tank will be covered to prevent precipitation from being processed. The tank will be connected to the digester via pipeline. A mixer will be installed in this tank to maintain the material's homogeneity. The level of the manure slurry will be monitored by a level transmitter. Manure will be transferred from the tank to the anaerobic digester.



Separation Building

Digestate will be pumped from the Digester Tank through a screw press or other separation equipment (that extracts the fibrous material). The fibrous material is then pumped onto a conveyor belt which moves the material into piles. The separation of the digestate material will be controlled by the SCADA system and will operate intermittently throughout the 24 hours of the day as needed to reduce the volume of material within the Digester Tank. The farmer will move the solid material into the barns to replace the current woodchip/sawdust/sand bedding system. This material can be easily transported around the Farm or off-farm as required.

Nutrient Storage Tank

The liquid that leaves the screw press is stored in a tank or lagoon prior to land application on the fields. The capacity of this storage will be such that it will provide roughly 6 months of liquid storage. Material that cannot be used on the farm's land itself will be used on neighboring farmland which has a need for nutrient rich fertilizer. Once the liquid material is delivered to the farmer at the nutrient storage, they are responsible for land application.

3. Description of Storage and Handling

Food Reception Tank

See previous description under Section 2 for "Food Reception Tank."

Nutrient Storage Tank

See previous description under Section 2 for "Nutrient Storage Tank."

Handling

See subsequent description under "Ultimate Use of Residuals"

4. Ultimate Use of Residuals (Liquids and Solids).

The liquid that leaves the screw press is stored in a container or lagoon prior to land application on the fields by the farmer. This capacity will provide roughly 6 months of liquid storage to account for cropping schedules. Material that cannot be used on the farm's land itself will be used on neighboring farmland as permitted. Vanguard Renewables will work with the farm operator and their agronomist(s) to ensure that all present nutrients, in both liquid and solid form, which are being land-applied by the farm operator, adhere to all required nutrient management guidelines.

The solids from the separation building, also referred to as bedding, will be stored in a covered bunker which will be large enough for several days of storage. At the solids separation building, the farmer will take possession of the solids/bedding and move the solid material into the barns to replace the current woodchip/sawdust/sand bedding system or use the solids as soil amendments as permitted. This material can be easily transported around the Farm or off-farm as required.



The title of the liquid/effluent and separated solids are transferred to the farmer when the farmer accepts the materials at the respective Recycled Materials Delivery points, indicated on the site plan and agreed upon by the farmer. However, if the farmer fails to empty the lagoons/containers in a timely manner, Vanguard Renewables is responsible for disposing of, and finding an appropriate home for, the liquid and solid residuals.

5. **Connectedness of permits, responsibilities, oversight – for all steps acquisition, de-packaging, transport, storage, digester operations, residuals storage and handling, distribution of liquid and solid residuals, nutrient management of residuals, etc.**

For each project of this kind, Vanguard will have a clearly defined and self-contained project area between the existing farm and the above-detailed structures/operations, where possible. Vanguard will control who enters or leaves its project area and will ensure that any and all traffic associated with the project will respect the community rules and guidelines. Vanguard will also conduct regular testing of the liquid and solid materials to ensure consistency and compliance with nutrient management guidelines/requirements.

Vanguard Renewables' operations team has a staff of highly trained operators that work on site to maintain and operate the projects. Maintenance is conducted daily per vendor specifications for each piece of equipment. Vanguard has developed a detailed preventive maintenance program to ensure the proper operation of all the digesters at all times. Vanguard's operations support team includes biology engineers, environmental engineers, and construction and operations managers who work closely with on-site operators to make sure any issue is addressed promptly and in the best possible way. This highly experienced and skilled operations team is what differentiates Vanguard from other companies and is very unique within the biogas industry.



**TOWN OF RIVER FALLS
PIERCE COUNTY, WISCONSIN
Conditional Use Permit for Anerobic Digester**

Owner: Peterson Family Real Estate LLC, W10322 HWY 29, River Falls WI

Operator: Vanguard Renewables, 133 Boston Post Road, Building 15, Weston MA 02493
www.vanguardrenewables.com

WHEREAS: Peterson Family Real Estate LLC (Peterson Family) and Vanguard Renewables are seeking a Conditional Use Permit (CUP) for a anerobic digester at W10322 Hwy 29.

WHEREAS: Peterson Family Real Estate LLC will lease a 10-acre parcel to Vanguard Renewables for 20 years for the operation of the anerobic digester.

WHEREAS: A Conditional Use Permit is permitted for “unique farming” in Extraterritorial Exclusive Ag Zoning only with a CUP (Chap. 17.108.150.C.3).

WHEREAS: There are no private homes located within one-quarter mile of the proposed digester site.

WHEREAS: Notice of Public Hearing was posted in the Pierce County Journal, at the Town Hall, Town Garage, and Town Web site on 6/22/23 and 6/29/23. Said Public Hearing was held on July 10, 2023.

WHEREAS: Application fee of \$300 for a Conditional Use Permit has been paid to the Town of River Falls Treasurer.

WHEREAS: The Town Plan Commission has reviewed the Site Plan and Operating Conditions and has recommended approval to the Town Board.

WHEREAS: The Town Board has final authority for all Site Plans and Conditional Uses in the Town.

WHEREAS: This recommendation will be forwarded to the River Falls ETZ Committee for their review and recommendation to the River Falls City Council.

NOW THEREFORE: Peterson Family Real Estate LLC and Vanguard Renewables are hereby permitted by order of the River Falls Town Board to pursue a anerobic digester operation in Section 14, Town 27N, Range 19W with the following Conditions.

GENERAL:

1. Peterson Family Real Estate LLC and Vanguard Renewables shall demonstrate compliance with all provision of this Conditional Use Permit, and that all anerobic digester activities conducted will be consistent with this Conditional Use Permit.
2. Vanguard Renewables shall provide notice to the Town of any notices of violation, citations, or other enforcement actions taken or issued with the past six (6) years prior to the date of the application by any other governmental body against the anerobic digester operation proposed to be undertaken within the Town, or with respect to any other digester operation of the applicant or its principles doing business under any name.
3. Vanguard Renewables and Peterson Family Real Estate LLC shall allow any member of the Town Board, or any agent or employee of the Town, to access and inspect the anerobic digester site and operational records upon reasonable notice.
4. Vanguard Renewables shall keep the anerobic digester site in a neat, orderly and safe condition. Equipment and buildings at the site shall be operated and maintained in good appearance and working order.

OFF-SITE IMPACTS:

5. Vanguard Renewables shall construct a covered storage pond and a storm water infiltration basin. Vanguard Renewables shall undertake all measures necessary for the control of surface water runoff from the anerobic digester operations in order to prevent pollution and erosion of sediment onto neighboring properties, surface water and groundwater, and shall also comply with the standards for erosion control under NR 216 and NR 151 or other standards as defined by the Town Engineering Consultant.
6. Vanguard Renewables hours of operation are 24 hours a day year-round. Waste food deliveries hours are Monday through Saturday during normal business hours year-round.
7. Vanguard Renewables shall use best management practices to keep noise from anerobic digester activity at or below 60 (sixty) decibels (dBA) at the property boundary. Exceptions to this section are haul trucks entering and leaving the site.
8. Vanguard Renewables shall use best management practices to limit offensive odors at the property boundary, and shall log any complaints along with actions taken to mitigate.
9. Vanguard Renewables shall use back-up signals creating the least offensive noise audible to persons residing near the property consistent with legal requirements.

GROUND WATER AND SURFACE WATER:

10. Impact on Groundwater Quality.

- a. The anaerobic digester operations shall use the Peterson Family Farm's cattle well as the monitoring well for the digester site, and Vanguard Renewables shall take quarterly samples for nitrates and any other materials that may reasonably be believed to be present in the area due to the anaerobic digester operations. Results of tests will be promptly submitted to the Town Board for review.
- b. The minimum groundwater quality standards established under Wis. Admin. Code NR 140 shall not be compromised or violated by the anaerobic digester operation on the digester site or within one mile from the nearest boundary of the site.

INSPECTION ENFORCEMENT PROCEDURES AND PENALTIES:

11. Violations. The following are violations under this Conditional Use Permit:

- a. Failure to comply with the minimum standards and other terms of this Conditional Use Permit.
- b. Failure to comply with all State, County and Town regulations that govern or affect the anaerobic digester operation of Vanguard Renewables and Peterson Family Real Estate LLC.

12. Hearings.

- a. Any person or entity affected by a notice and order issued in connection with the enforcement of this Conditional Use Permit under Item 13 (Remedies), or upon denial of an application for a Conditional Use Permit or permit renewal, may request and shall be granted a hearing on the matter before the River Falls Town Board, provided such person shall file with the Town Clerk a written petition requesting the hearing and setting forth petitioner's name, address, telephone number and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within thirty (30) days of the date the notice and order are served, or within thirty (30) days upon denial of an application for a renewal. Upon receipt of the petition, the River Falls Town Clerk shall set a time and place for a hearing before the Town Board and shall give the petitioner written notice thereof.
- b. After the hearing, the Town Board, by a majority vote, shall sustain, modify or withdraw the notice depending on its findings as to whether the provisions of this Conditional Use Permit have been complied with, and the petitioner shall be notified within ten (10) days in writing of such findings.
- c. The proceedings of the hearing, including the findings and decision of the Town Board and the reasons therefore shall be summarized in writing and filed in the office of the Town Clerk. Such record shall also include a copy of every notice and order issued in connection with the hearing.

- d. Any cost incurred by the Town for the hearing and evaluation (consultants, engineers, attorneys, etc.) shall be at the petitioner's expense. Prior to the hearing the petitioner shall submit to the Town Clerk such amount as the Town Board reasonably deems necessary to pay for the cost of such consultants, engineers, attorneys or other experts as the Town Board deems reasonably necessary to prepare for and conduct the hearing and evaluation.
13. Remedies. The Town Board may take any appropriate action or proceeding against any person or entity in violation of this Conditional Use Permit, including the following:
- a. Issue a stop work order.
 - b. Issue a written notice of violation and order that specifies the action to be taken and the correction period to remedy a situation.
 - c. Issue a citation in accord with the Town of River Falls citation ordinance. The citation may be issued by the Town Chair or Town Attorney.
 - d. Refer the matter to legal counsel for consideration and commencement of legal action under Item 15 (Penalties) below to obtain injunctive relief and/or to advise the Town consider the issuance of a citation under Item 13-c above.
 - e. Suspend or revoke Conditional Use Permit.
14. Conditional Use Permit Suspension or Revocation. After giving written notice and providing the permittee with an opportunity for a hearing, the Town Board may suspend or revoke the Conditional Use Permit for a violation of any conditions or requirements imposed by it.
15. Penalties.
- a. Any person or entity adjudicated guilty of a violation of this Conditional Use Permit shall pay a forfeiture of not less than \$250 per violation nor more than \$10,000 per violation, and/or be subject to injunctive relief. Each day a violation exists beyond the correction period is a separate violation.
 - b. Any person or entity adjudicated guilty of a violation of this Conditional Use Permit shall pay court costs and reasonable attorney's fees and any other associated fees and costs.
 - c. The remedies provided herein shall not be exclusive of other remedies.
 - d. A failure by the Town to take action with respect to any past violation(s) shall not constitute a waiver of the Town's right to take action on any present violation(s).

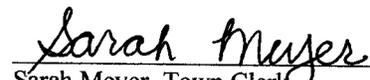
REVIEW OF CONDITIONAL USE PERMIT:

16. This conditional use permit shall be reviewed every two (2) years beginning on the 3rd Monday of January 2025 and shall include a biennial report which shall be submitted to the River Falls Town Clerk at least thirty (30) days prior to the review date of January 20, 2025 and shall include the following:
 - a. A description of activities and operations of the Vanguard Renewables digester operation for the previous two calendar years including the volume/mass of off-site materials brought onto the site for processing, the volume of biogas produced for sale, and the volume of off-spec biogas sent to the flare.
 - b. A written report demonstrating compliance with this Conditional Use Permit.
 - c. Areas of non-compliance.
17. The River Falls Town Board reserves the right to review this Conditional Use Permit at any time there are reasonable complaints.

Dated: July 10, 2023


Diana G. Smith, Town Chair


Don Rodewald, Zoning Administrator


Sarah Meyer, Town Clerk

**RESOLUTION NO.****RESOLUTION APPROVING THE SPECIAL USE PERMIT FOR UNIQUE FARMING
(ANAEROBIC DIGESTER FACILITY) AT W10322 HIGHWAY 29 (PID 022011541000)
(VANGUARD RENEWABLES AND PETERSON FAMILY REAL ESTATE LLC)**

WHEREAS, Vanguard Renewables in collaboration with Peterson Family Real Estate, LLC. have submitted an application for a Special Use Permit to construct and operate an anaerobic digester facility at W10322 Highway 29 (PID 022011541000); and

WHEREAS, the anaerobic digester facility is considered to be Unique Farming which is a Special Use in the A-1 Exclusive Agricultural District in the City of River Falls Extraterritorial Zoning Area; and

WHEREAS, the proposal meets the requirements for granting a Special Use Permit in the A-1 Exclusive Agricultural Zoning District subject to conditions; and

WHEREAS, the Town Board of the Town of River Falls has approved a Conditional Use Permit for the facility; and

WHEREAS, the Extraterritorial Zoning Committee of the City of River Falls and the Town of River Falls held a public hearing and reviewed the Special Use Permit request on November 27, 2023, and forwarded this resolution with a favorable recommendation;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of River Falls hereby approves the Special Use Permit for Unique Farming (Anaerobic Digester Facility), subject to the following conditions:

1. The term of the Special Use Permit shall run consecutively with the contract term of the agreement between Vanguard Renewables and Peterson Family Real Estate, LLC. and shall terminate upon the date of termination of the agreement between the parties.
2. The Special Use Permit shall terminate upon revocation of the Conditional Use Permit granted by the Town of River Falls (Approved July 10, 2023)
3. No manure shall be brought to the facility from off-site.
4. Expansion of the facility beyond the 11-acre lease site shall require review and approval of an amendment to the Special Use Permit.
5. Trucks accessing the facility via County Highway FF shall be limited to 30 per day. Vehicles in excess of 30 trips per day to the site shall access the facility via State Highway 29 unless an amendment to the Special Use Permit is approved to allow for additional trips via County Highway FF.
6. The driveway connection at County Highway FF shall be constructed to commercial driveway standards as outlined in the City of River Falls Municipal Code.
7. The access drive to the facility from County Highway FF shall be paved with a bituminous surface along the entire western parcel boundary of W10225 County Highway FF (PID 276020650200).

8. Groundwater sampling data shall be provided to the City upon request.

Dated this 12th day of December 2023.

CITY OF RIVER FALLS

ATTEST:

Dan Toland, Mayor

Amy White, City Clerk