

Carver County Planning Commission

Regular Meeting - **Tuesday, May 17, 2022**

Commissioners' Meeting Room

2nd Floor Human Services Bldg

Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of April 19, 2022, regular meeting
Pages 1-1 through 1-6
- 2.) **File #PZ20220019** – Public hearing on application by Chris Anderson,
representing Bongards Co-op Creamery, for a Conditional Use Permit.
(Rural Service District/Farm-Related Business)
Benton Township Pages 2-1 through 2-34

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – April 19, 2022
Minutes

Members Present: Scott Wakefield, Scott Hoese, Matt Kerber, Frank Mendez, Roger Storms, John P Fahey

Members Late: None

Members Absent: Greg Grazzini

Staff Present: Jason Mielke, Donovan Hart, Christina Neel, Jennifer Tichey

Pursuant to due call and published notice thereof, the April 19, 2022, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Wakefield conducted roll call which showed six board members present and one absent (Greg Grazzini).

Agenda – Chairman Wakefield asked if there were any additions or deletions on the agenda. Hearing none, the agenda was accepted as printed.

Minutes – A motion was made by Fahey and seconded by Hoese to approve the minutes from the March 15, 2022 regular meeting. All voted aye. Motion carried.

File #PZ20220003 – US Solar – Chairman Wakefield called the continued public hearing to order at 7:01 p.m. to consider a request by David Watts, representing US Solar. The purpose of the public hearing was to consider a request for a large solar energy system pursuant to Chapter 152 of the County Code. The property is located in Section 33 of Watertown Township.

The following were present: David Watts, Robert Dressen, Brenda Dressen, Shauna Ingenito, Aria Ingenito, Craig Heimerl, Jane Heimerl

The following items were entered into the record:

Exhibit H –Staff Report addressed to the Planning Commission and Watertown Township dated April 12, 2022, and all attachments.

Mielke stated this public hearing has been continued from the previous two months and is located in Watertown Township. The request is to construct up to a 1 MW solar garden on the property. The public hearing has been continued in order to get a completed Township Recommendation form. The Town Board passed a resolution to approve a variance and also the Watertown Town Board IUP application at their March 23, 2022 meeting. Mielke stated the only significant change in this proposal is an updated site plan

dated April 4, 2022, which changed the array of the solar panels. The operational area remains the same and there is no change to any setbacks. The applicant must still comply with stormwater guidelines and obtaining an access permit from the Township for access from Polk Av. He stated the proposed conditions for consideration had been changed to reference the updated site plan and noted the required compliance with the Wetlands Conservation Act, the CCWMO, and the County standards detailed in Chapters 152 and 154 of the County Zoning Code.

David Watts, director of project development with US Solar, stated they have successfully completed the requirements of the Township and received a unanimous recommendation for approval. They are seeking a recommendation of approval from the Planning Commission tonight.

Scott Hoese, representing Watertown Township, stated there was good discussion at their March 23rd meeting and the Township made the resolution allowing a variance to their solar ordinance and a resolution for a 30-year IUP for the solar garden. Hoese also cited a correction in a letter from the Township to the applicant noting the speed limit should be 25 mph rather than 30 mph stated in the letter.

Mr. Watts confirmed the applicant is aware of that change and it is in the most recent materials.

Aria Ingenito, 12195 62nd St, stated she is a 3rd generation of her family residing on 62nd St and feels solar energy is wonderful and necessary for the future. She would like to see approval of this project for her family currently and her family in the future.

Mr. Watts stated a change was made in the conditions concerning Township requirements on a prior request from CEF Watertown Solar and he asked to confirm that same change was reflected in the conditions for this permit.

Mielke explained the change was in condition #2 and the information referring to compliance with the Township requirements was removed.

A motion was made by Mendez to close the public hearing. Kerber seconded the motion to close. All voted aye. Motion carried. The public hearing was closed at 7:11 p.m.

A motion was made by Storms to **approve and adopt Resolution #22-03** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for a 1-MW Large Solar Energy System. Mendez seconded the motion for approval.

Fahey offered appreciation to the staff, Watertown Township and the Planning Commission for their patience with this process to ensure the proper procedure was followed. He acknowledged the applicant's patience with the process also. Wakefield echoed the appreciation.

Wakefield called for a vote on the motion. Storms, Mendez, Fahey, Kerber & Wakefield voted aye. Hoese abstained from the vote citing a previous motion from the February meeting to not misconstrue any conflict of interest. Motion carried.

File #PZ20220012 – Zach & Emily Stover – Chairman Wakefield called the public hearing to order at 7:13 p.m. to consider a request by Zach & Emily Stover. The purpose of the public hearing was to consider a request for additional density (One Lot Conservation Incentive) pursuant to Chapter 152 of the County Code. The property is in Section 13 of Watertown Township.

The following were present: Zach Stover, Emily Stover, Scott Stover, Connie Stover

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated March 7, 2022

Exhibit F – Staff Report addressed to the Planning Commission and Watertown Township dated April 12, 2022, and all attachments

Neel explained the subject parcel is unimproved and consists of agricultural production land, small pocket wetlands, and woods along with one 1 per 40 building eligibility. Historic aerial photos of the parcel indicate the use of the land has not changed over the years and the agricultural production land has remained in production and the non-production areas may be due to topographical limitations, such as wetlands, slopes or drainage swales, making it unsuitable for farming. The applicants are seeking to obtain and develop one Conservation Lot, under the one lot incentive option, which would include a minimum of a 10-acre conservation easement area. The proposed conservation lot would be approximately 50 acres, which includes the conservation easement area, and the 1 per 40 lot would be approximately 20 acres. Conservation lots are allowed as a Conditional Use Permit under the Additional Density Option of the Zoning Code and have been adopted by Watertown Township in its chapter of the Comprehensive Plan. Neel used an aerial photo to illustrate the proposed lot configuration. The proposed driveway location was chosen to reduce the number of trees to be removed and to maintain a reasonable setback from the wetland area. The proposed configuration complies with the limitation of 4 homes per 40 acres. The parcel is eligible to apply for additional density and the applicants acknowledge that no future additional amenity eligibilities will be allowed. On March 11, 2022, this request was reviewed by the Carver County Water Management Organization who determined the proposed activity falls under their jurisdiction. A pre-application meeting with staff is recommended to discuss the concept plans and review requirements. The Watertown Town Board reviewed and recommended approval of the request during their March 7, 2022, meeting without any additional comments. Neel read the proposed conditions for consideration if the request is approved.

The applicants had no additional comments and stated the additional lot would be owned by family members.

Scott Hoese, speaking as Watertown Town Board representative, confirmed the applicants attended their meeting and the Town Board voted to recommend approval of the request.

No one from the public was present to speak about this request.

A motion was made by Fahey to close the public hearing. Mendez seconded the motion. All voted aye. The public hearing was closed at 7:21p.m.

A motion was made by Storms to **approve and adopt Resolution #22-04** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for additional density (One lot Incentive – Conservation). Mendez seconded the motion recommending approval. All voted aye. Motion carried.

File #PZ20220011 – Tamie Schmitz – Chairman Wakefield called the public hearing to order at 7:22 p.m. to consider a request by Tamie Schmitz. The purpose of the public hearing was to consider a request for a farm-related business (tree farm) pursuant to Chapter 152 of the County Code. The property is in Section 24 of Watertown Township.

The following were present: Tamie Schmitz, Ralph Widmer, David Anderson

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated April 12, 2022

Exhibit F – Staff Report addressed to the Planning Commission and Watertown Township dated April 12, 2022, and all attachments.

Hart stated the applicant owns an approximate 8-acre parcel improved with a house with an attached garage, three detached accessory structures and mowed areas. The applicant would like to dedicate the northerly portion of the property to develop a Christmas tree farm in three phases for the staged planting of trees. Hart used an aerial photo to illustrate the property and the proposed business location. The proposed business would run during the year-end holiday season, mostly weekends from Thanksgiving to mid-December, from dawn to dusk. The actual tree sales are not expected for five or six years, until the trees grow to maturity. An existing gravel area would be used for customer parking. During the peak holiday retail period, estimated traffic would be 30-40 vehicles per day. No outdoor storage is proposed and initially the accessory structures would not have any public use. The operational plan indicates in the future, the 40' x 70' structure may be used as a warming place, snack shack and an area for customers to pay. Any public use of the buildings requires building code compliance, and septic

compliance, if applicable. Initially, a portable handicapped-accessible bathroom will be available for customer use. There may be up to four employees on the site during the seasonal retail tree sale period. The applicant is proposing a 20-square foot sign to be located on the property near Merino Ave. The Watertown Town Board heard the request and recommended approval at their February 7, 2022, meeting, without additional conditions. Hart read the proposed conditions for consideration if the request is approved.

Tamie Schmitz of 3950 Merino Ave. had no additional comments. She stated she has had many conversations with staff and her request was presented accurately.

Chairman Wakefield asked the applicant if she is familiar with and agrees with the proposed conditions.

Ms. Schmitz acknowledged and stated she agrees with them.

Scott Hoese, speaking as Watertown Town Board representative, confirmed the Town Board recommendation for approval and noted they felt this is a good location for this business.

Ralph Widmer, 9975 Swede Lake Rd, expressed his full support of the tree farm.

A motion was made by Hoese to close the public hearing. The motion was seconded by Storms. All voted aye. Motion carried. The public hearing was closed at 7:29 p.m.

Fahey commented that since the business activity is approximately five to six years in the future, he encouraged the applicant to keep in touch with the County staff on any changes that may occur, to ensure compliance with the CUP and the conditions. He specifically noted the number of employees and cautioned being proactive to ward off any potential complaints about the business.

Wakefield asked if Merino Ave. is a dead-end street and if the applicant had contacted any of the neighbors.

Ms. Schmitz stated she spoke with all the surrounding neighbors and all were supportive of the proposal.

Hoese commented that the neighbors were all notified about the proposed business and if any of them would have had comments, they would likely have attended this meeting.

A motion was made by Kerber to **approve and adopt Resolution #22-05** incorporating the findings of fact and staff recommendations for approving the Conditional Use Permit for a farm-related business (tree farm). Mendez seconded the motion recommending approval. All voted aye. Motion carried.

Adjournment

A motion was made by Hoese and seconded by Mendez to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:33 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

May 10, 2022

TO: Carver County Planning Commission & Benton Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Farm-Related Business in RSD)

FILE #: PZ20220019

APPLICANT: Chris Anderson; Bongards Creameries

PROPERTY OWNER: Bongards Co-op Creamery

SITE ADDRESS: 13200 Co Rd 51 NYA, MN 55368

PERMIT TYPE: Rural Service District (Farm-Related Business)

PURSUANT TO: County Code, Chapter, Sections 152.097 (A) & (B)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 01-017-0600, 01-017-0700, 01-017-1800, 01-017-2200, 01-017-2300, 01-017-2600, 01-016-0900,
01-016-1400, 01-016-1700, 01-016-2100, 01-016-2300, 01-016-2800

BACKGROUND:

1. Bongards Creameries currently own a collection of parcels totaling an approximate 192 acres in Sections 16 & 17 of Benton Township. The parcels are improved with a number of buildings that consist of a dairy processing facility, storage buildings, a retail store, office space, a large-scale solar energy system (CUP #PZ20150041), fuel storage facilities, a wastewater treatment center and multiple parking areas. The property is located in a Rural Service Overlay District (Bongards) and the CCWMO (Carver Creek Watershed).
2. Bongards Creameries is requesting a Conditional Use Permit (CUP) to expand the facility with the construction of an independent boiler building and propane storage area, consolidate a number of Bongards-owned parcels into a single parcel, and supersede the 2002 CUP (PZ20020064) to include a number of site improvements constructed since that CUP was issued. The CUP for a newly proposed use would be allowed pursuant to Sections 152.095, 152.096, 152.097 & 152.098 of the Carver County Zoning Code, which reads as follows:

RURAL SERVICE OVERLAY DISTRICT

§ 152.095 PURPOSE.

The purpose of the overlay zoning district is to recognize and facilitate the role of the rural service districts as defined in the comprehensive plan within the context of the Agriculture ("A") District.
(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

§ 152.096 DESIGNATION.

The following areas—Assumption, Bongards, Maple, East Union, Gotha, Hollywood and Hollywood Station – with boundaries as shown on the Zoning Map shall be considered Rural Service District under the terms and provisions of this chapter.
(Ord. 47, passed 7-23-02(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

§ 152.097 CONDITIONAL USE PERMITS.

Within the Rural Service Districts, conditional use permits may be issued for the following:

- (A) *Newly proposed use.* Land uses supporting the agricultural economy and serving the needs of the surrounding community provided one of the following minimum criteria are met:
- (1) Rural community-related uses serving the needs of the people of the immediate area by providing family recreation, religious facilities, minimum convenience shopping, minor repair services, light manufacturing, warehousing and nonprofit organizations. Any rural community-related use shall be of a scale no larger than that necessary to serve the needs of the local rural community.
 - (2) Agricultural support. An activity providing goods or services related to the conduct of agriculture.
- (B) *Adaptive re-use of existing structures and buildings.* Conditional/interim use permits for commercial, light manufacturing, or institutional purposes may be issued for the adaptive re-use of buildings or facilities constructed at least 15 years or more from the current date. Permits pursuant to this section may not provide for substantial expansion of the existing operation or provide for new buildings or facilities. The following criteria must be met in order to qualify for this provision:
- (1) The building or facility was designed and constructed for a commercial, industrial, or institutional purpose;
 - (2) The structural condition of the building or facility is determined to be sound and not in need of major repair or rehabilitation;
 - (3) The building or facility is of a size, type of construction, or configuration that it is not reasonable to expect that it can be efficiently or economically used as a newly proposed use as described above; and
 - (4) The operation utilizing the building or facility substantially conforms to newly proposed use provisions of the Rural Service District.

§ 152.098 SERVICE LEVEL.

Uses permitted pursuant to this subchapter must be able to operate within the context of the level of services available in the Rural Service District.

(Ord. 47, passed 7-23-02; Am. Ord. 97-2021, passed 7-20-21)

STAFF ANALYSIS:

1. Since 1908 Bongards Creameries has processed dairy products on this site. Responding to market changes, increased capacity and satellite operations in Pelham, MN and Humboldt, TN, the Carver County facility focuses on processing cheese, shipping out 125 million pounds of cheese annually according to the submitted narrative (dated: April 21, 2022). There have been a series of CUPs issued related to Bongards dairy production and associated activities. CUP's have been issued related to constructing a fuel storage tank (1976 - now officially closed), building a cooler building (1977), incinerating whey waste (1990), injecting organic byproducts from milk production in local fields (1993, 1997, 1998), approving a master plan and upgrading the wastewater treatment facility (2003), and a constructing a solar garden (2015 – CUP #PZ20150041).
2. The proposed boiler plant, located adjacent to Co Rd 51, is a 1,200 square foot structure that meets all required structure setbacks. Located nearby, the proposed propane storage tanks measures about 1,400 square feet in area. The boiler would replace the site's need to burn fuel oil as part of normal operations. A 100,000-gallon fuel tank is scheduled to be removed from service after the construction of the proposed boiler building.
3. The submitted Overall Campus Site Plan (dated: April 22, 2022) shows the general facility building, administration building, retail, fuel storage facilities, maintenance garage, motor shed, storage sheds, exterior standby generators, a communications tower, wastewater office, chemical storage building, wastewater treatment ponds, a water tower and wells, the proposed boiler building, proposed propane tanks, parking areas and driveways for trailers and employee, contractor, and customer parking.
4. Bongards currently operates as a 24-hour 365 days per year operation, staffed by 227 employees. While two shifts of employees work in processed cheese production, other components of the facility, such as the store, lab, and administrative offices, are opened during limited hours on weekdays ranging from 6:30AM to 7:00PM.

5. Detailed in the submitted narrative (dated: April 21, 2022) is the anticipated traffic for the site, estimated at 194 vehicles entering and leaving the site daily. The vast majority of the vehicles belong to employees coming to work shifts or are Bongards work vehicles. About 31 trucks daily transport commodities and material to the property and ship off processed cheese to customers.
6. Site parking includes 14 parking lots surrounding the buildings with 185 parking spaces for trailers, employees, customers and contractors. The total amount of impervious surface is about 2 acres. With the exception of the parking areas for the store, lab, and offices, all parking areas are used on a 24 hour per day basis. Generally, the facility operations and vehicle traffic have little impact on neighboring properties. However, there are several residential properties adjacent to the north side of the site near the gravel area labeled Parking Lot A on the site plan. To mitigate any impacts of dust, light, or noise on adjacent neighboring parcels, the applicant has proposed landscape screening consisting of a single row of arbor vitae along the east boundary of the parking lot and surrounding three exterior lights. Glare shields are proposed to contain light on the site for the freestanding and wall-mounted lights. The planting plan appears, as shown on the Greater Campus Improvements Plan (dated: April 22, 2022), to comply with the screening requirements found in § 152.041. Due to the lack of proximity with any adjacent residences, documented in the submitted narrative, none of the other parking areas are proposed to be screened.
7. There are a number of legal nonconforming signs on the property. The total sign square footage (625 square feet of signage on buildings and facilities and 360 square feet on freestanding signs for a site total of 985 square feet) is assumed to have been erected or installed before the Sign Code was adopted. Such signs are regulated by the rules for nonconformities that allows for the signs to be maintained but not expanded. No new signage is proposed with this application.
8. The Carver County Water Management Organization (CCWMO) is in the process of reviewing the request and the proposed operational area with respect to the County Water Rules (Chapter 153), site stabilization requirements, and Best Management Practices (BMP's). The overall area of disturbance and the proposed operational area trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or beginning any excavation activity. There are wetlands on the property but would not be impacted by any site improvement proposed in this application.
9. The Minnesota Pollution Control Agency (MPCA) is the regulatory authority for the wastewater treatment system. The permittee is responsible to the MPCA for compliance and/or monitoring of the National Pollutant Discharge Eliminations System (NPDES), State Disposal System (SDS) permits. Any County notification that is required by the NPDES/SDS permit should be sent to both the Land Management and Environmental Services Departments. The MPCA is also the permitting authority of any land application (injection) of bio-solids produced through the cheese manufacture process as a waste product. The 2003 MPCA Permit MN0002135 reduced the potential for conflicting conditions between the CUP approvals and NPDES/SDS permit. Due to Bongards' operating under an MPCA/SDS permit, no permitting required by the Carver County Subsurface Sewage Treatment System (SSTS) Program.
10. Vehicle access to the property is through multiple driveways on Co Rd 51. There is a railroad spur from the Twin Cities and Western Railroad, currently unused, to the southern boundary of the site. The Carver County Public Works Department has reviewed the site plan and proposed expansion on May 6, 2022, and provides the following comments:
 - The change in use to PID# 01-017-2300 with the addition of the 1,200 sq ft. boiler building requires reevaluation of the access to the site. It is preferred this parcel gain access from the existing internal roadway network likely from the western property line instead of CSAH 51. If this is found to not be a feasible option, then an access permit and subsequent review of the access location to CSAH 51 would be required.
 - The addition of PID#s 01-017-2200, 01-017-0700, and 01-017-1800 to the Conditional Use Permit would require review and management of access to CSAH 51 to balance existing access and use with proposed accesses and/or any changes in use to these parcels.
 - County Public Works recommends discussion regarding how the upcoming County-led Highway 212 project in 2024/25 could incorporate any needed work on CSAH 51 regarding new accesses, combined accesses, and/or access management along the corridor.
 - Ponding locations serving the site shall be located a minimum of 50 ft. from CSAH 51 roadway centerline.

11. The proposed use appears to meet the general requirements for a conditional use in the Rural Service District (i.e. newly proposed use, serving the needs of the people of the immediate area and surrounding rural community and supporting the agricultural economy).
12. The Benton Town Board reviewed the request during the April 14, 2022, Town Board meeting. The Township recommended approval and did not provide any further comments (i.e., no concerns or objections).

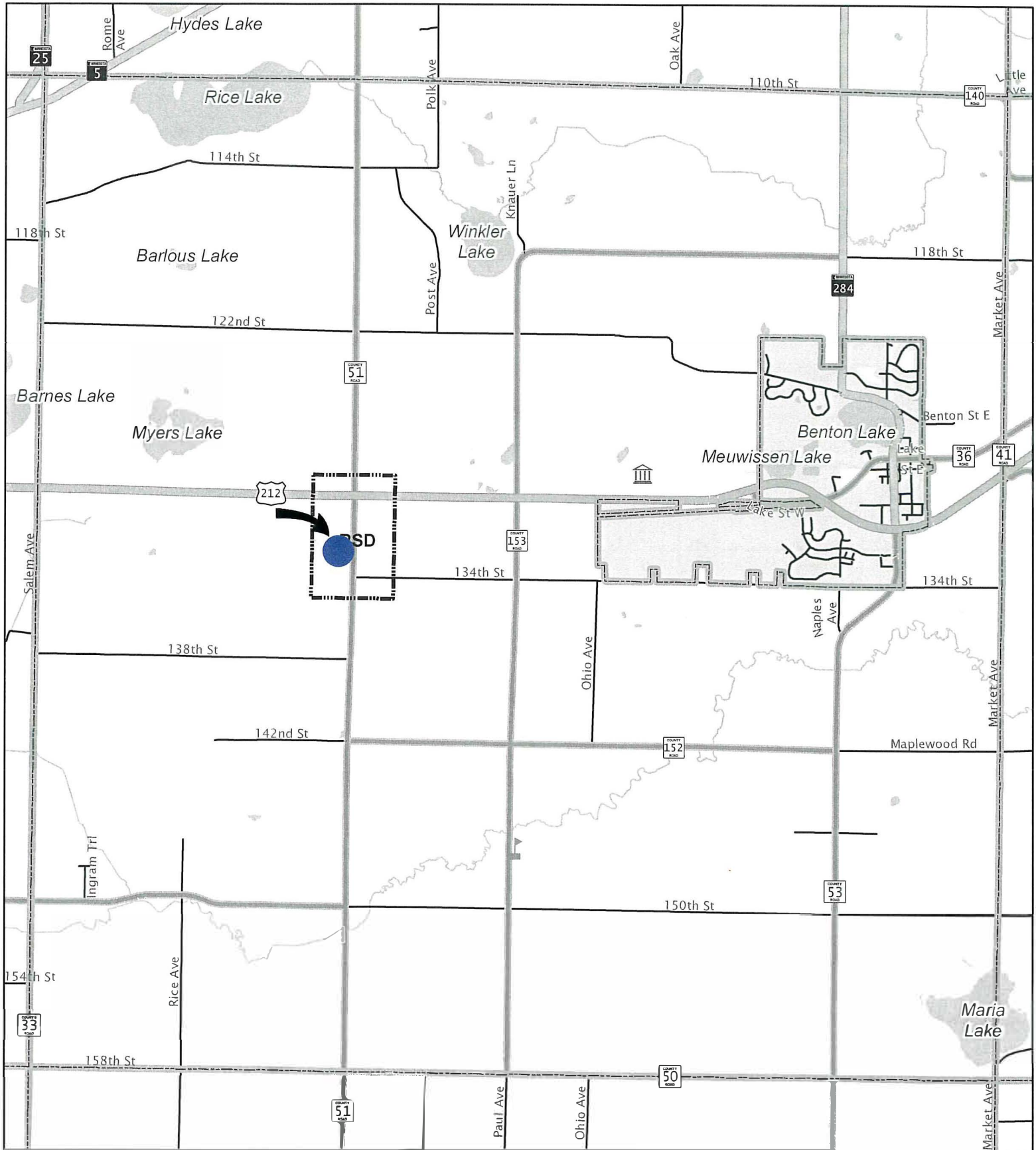
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of CUP #PZ20220019 for the Rural Service District (RSD) Farm-Related Business application, the previous CUP (#PZ20020064) and any other prior permits, amendments or renewals for an RSD (Farm-Related Business or Wastewater Treatment System or Land Application of Industrial Bio-Solids) shall be superseded and terminated, and the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The operation shall be substantially in accordance with the submitted operational plan (dated: 4/21/2022) and site plan (dated: 4/11/2022). These plans shall be attached to and become part of this permit. If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. Permit #PZ20220019 shall supersede and terminate #PZ20020064 and all prior permits, amendments, and renewals with the exception of #PZ20150041 (the permit for the Large Solar Energy System).
3. A parcel combination, through the Carver County Recorder's Office, for all land owned and occupied by Bongards west of County Road 51 shall be submitted, reviewed and approved prior to the recording of any deeds and prior to the issuance of any building permit(s). A parcel combination, through the Carver County Recorder's Office, for all land east of County Road 51 shall take place by August 1, 2023, to reduce the number of legal nonconforming parcels owned and operated by Bongards.
4. All structures used in conjunction with the facility shall meet the applicable requirements of the Carver County Zoning Code and State Building Code and be consistent with approved site and operational plans. Any fences over seven feet in height require a building permit. Any required building permits must be obtained prior to construction.
5. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
6. The vegetation screening shall be installed according to the approved planting plan and an escrow, the amount determined by the Fee Schedule, deposited with the County to ensure establishment of the vegetation. No landscaping shall be installed in the public right-of-way.
7. The permittee shall comply with the road access and ponding location requirements as determined by Carver County Public Works. Any required permits for work within the public right-of-way must be obtained prior to construction. Parking along County Road 51, within the road right-of-way, or on property owned by the TC&W Railroad shall be prohibited.
8. All business-related trucks, equipment and supplies shall be stored within the approved operational area. Any expansion of the approved operational area shall constitute an expansion of the use and may require a review by Land Management for determination as to an amended Conditional Use Permit will be required.

9. The permittee is responsible for compliance with all Minnesota Pollution Control Agency (MPCA) regulations where the MPCA is the permitting authority. (e.g. Wastewater Treatment Systems, Land Application of Bio-Solids, NPDES, SDS)
10. The permittee is responsible for compliance with all Federal, State and Local rules, regulations, and permitting requirements.
11. The permittee shall provide access to the wastewater and/or industrial bio-solid sampling procedures, locations, schedules and results, as requested by the Land Management Department or Environmental Services Department, whereby County Staff would be allowed to monitor the process periodically. Permittee shall, within two hours of being requested by County Staff, conduct sampling on its property in locations as determined by County Staff. County Staff shall be allowed access to permittee's property to monitor the sampling. Permittee shall be responsible for the cost of obtaining and testing the samples. The sampling required in this condition shall not exceed six (6) times per year, shall be independently taken, and may replace the ones that would otherwise have been completed by Bongards. NOTE: Pursuant to a condition from 2002 Wastewater Treatment System Upgrade CUP, if applicable.
12. The permittee shall submit a Certificate of Workers' Compensation Insurance to the Land Management Department. The insurance shall be maintained for the duration of the CUP.
13. The permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The permittee shall not increase the square footage of signage on the property. Any proposed signage within the public road right-of-way must be approved by the appropriate road authority.

BENTON TOWNSHIP

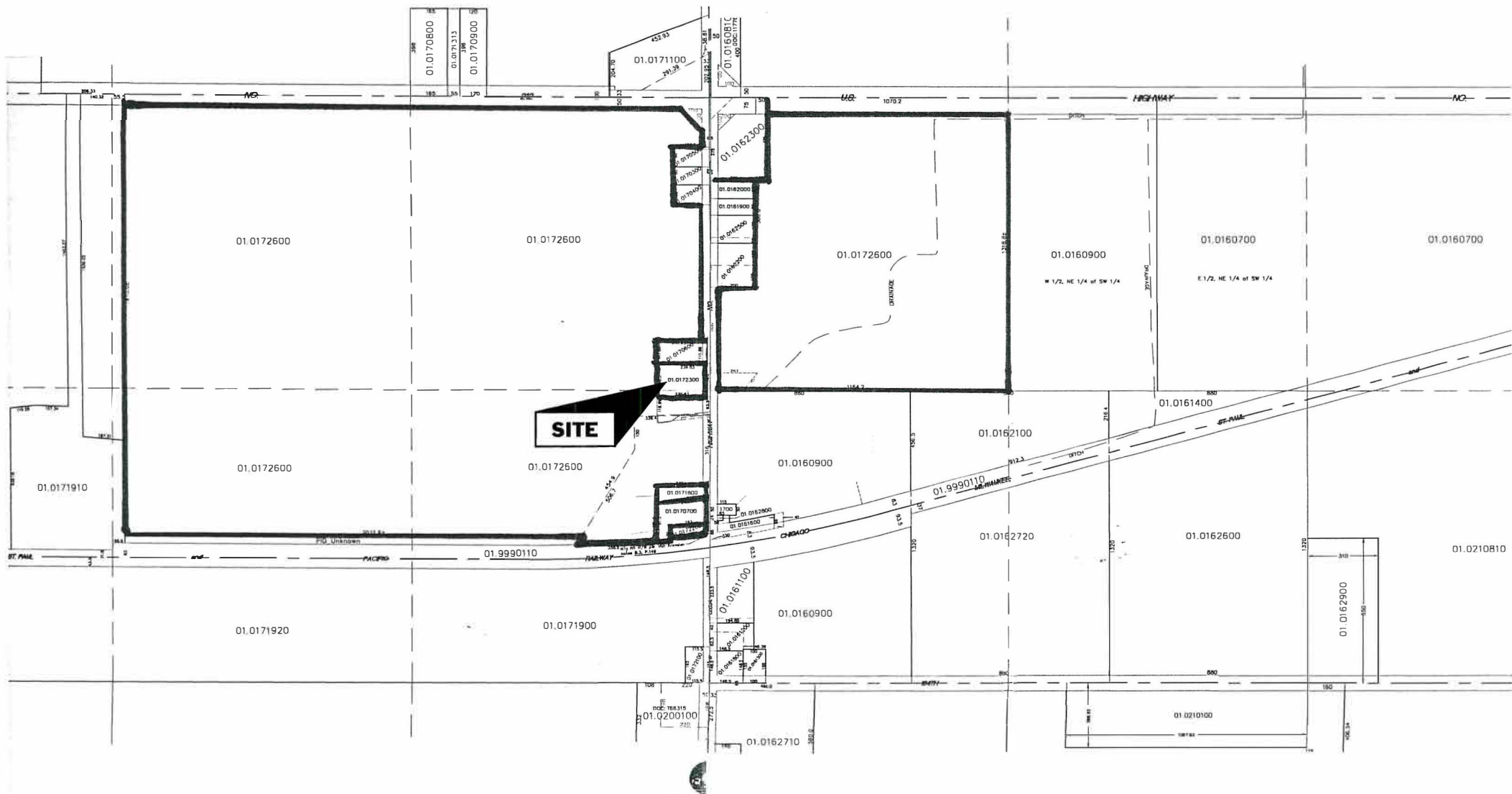


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Map Created by Carver County GIS

S 1/2 SEC. 16, T.115, R.25



BONGARDS CREAMERIES
Master Plan
April 21, 2022

I. EXECUTIVE SUMMARY

Bongards Creameries is located at 13200 County Road 51 in the town of Norwood Young America, Benton Township, Carver County, and just south of Highway 212. The principal activity at this facility is the manufacturing of process cheese. Bongards Creameries produced 125 million pounds of processed cheese in 2021. The processed cheese primary ingredient is natural cheese sourced from Bongards' Creameries facility in Perham Minnesota.

Bongards is planning the construction of a new MIURA Boiler Building to replace the campus' existing boilers. The MIURA boilers will provide steam at a much greater efficiency and use propane as a backup fuel source, replacing #6 fuel oil. The increased efficiency and elimination of #6 fuel oil will reduce the amount of greenhouse gases emitted to the environment.

II. TIMEFRAME

Bongards Creameries hope to follow the below design and construction schedule. If this timeframe is met, construction may begin in Summer of 2022. The project should be completed by Fall of 2022.

Design

Date	Phase
April 14, 2022	Benton Township Meeting and CUP Recommendation
May 04, 2022	Board of Adjustment Meeting
May 15, 2022	MPCA Air Permit Issued
May 17, 2022	May Planning Commission Meeting for CUP Approval
June 07, 2022	County Commissioner Board Meeting for CUP Approval
June 10, 2022	CCWMO Permit Issued
June 10, 2022	Building Permit Issued

Construction

Date	Phase
June 13, 2022	Mobilization
June 20, 2022	Excavation for Building
June 27, 2022	Concrete Foundation Installation
July 25, 2022	Structural Steel Roof and Stair Installation
July 28, 2022	Pour Concrete Roof Deck
August 1, 2022	Install Epoxy Coatings: Floors
August 5, 2022	Boiler Delivery through Roof
August 8, 2022	Install Epoxy Coatings: Walls
August 8, 2022	Roofing Installation
August 16, 2022	Waterproof Exterior Foundation
August 17, 2022	Backfill Building
August 23, 2022	EIFS Exterior Walls
August 25, 2022	MEP Utility Installation
August 29, 2022	Site Concrete Installation
September 16, 2022	Sitework and Stormwater System Installation
November 21, 2022	Controls and Balance Testing
December 2, 2022	Operational Date
December 5, 2022	Final Inspection
December 16, 2022	Project Completion / Demobilization

III. HOURS OF OPERATION

The facility operates 24 hours per day, 7 days a week, 365 days per year.

IV. PROJECT COMPONENTS

The proposed project consists of the construction of a new 1,200 square foot building with the objective to replace existing aging boilers. The project includes the construction of the proposed structure and utilities, installation of the three new boilers, construction of a new gravel drive, four proposed 1,990 gallon propane storage tanks to be used as a backup fuel source and associated stormwater management features.

V. TOTAL FACILITY COMPONENTS

- A. **Office:** The office consists of two levels and 6 employees. The office is open Monday – Thursday 7:00am – 4:15pm and Friday 7:00am – 12:00pm
- B. **Retail Store and Lab:** The retail store is open on Monday – Friday 6:30 AM until 7:00 PM, Saturday from 9:00 AM until 5:00 PM, and Sunday from 9:00 AM until 5:00 PM. The lab is operated Monday – Friday 6:00 AM – 4:00 PM.
- C. **Process Cheese Plant and Coolers:** 500 pound barrels are converted to 3 and 5 pound processed slice and processed loaf cheese. The processing plant operates seven days per week, 24 hours per day. Five coolers are present within the facility to store ingredients and finished product.
- D. **Fuel Storage:** Fuel storage consists of a 2,200,000 gallon tank (officially closed); a 100,000 gallon tank, to be phased out with the proposed boiler project, for fuel oil; a 2,000 gallon double walled tank consisting of diesel fuel used in an emergency Fairbanks generator; 300 gallon unleaded and 500 gallon diesel tanks within concrete containment for onsite vehicle use; a 12,000 gallon tank to store diesel fuel for the standby CAT generators; and four proposed 1,990 gallon propane storage tanks to be used as a back up fuel source for the proposed boiler building. The existing 2,200,000 gallon tank and 100,000 gallon tank both have earthen containment surrounding them.
- E. **Maintenance Garage:** The maintenance garage consists of a brick building that contains a heated bay for repair and maintenance, and a cold stall for equipment storage.
- F. **Storage Sheds:** Five storage sheds are located throughout the property to store a variety of equipment and replacement parts.
- G. **Standby Generators:** Two standby Cat generators and one Fairbanks generator provide electrical energy during times of curtailment and interruptions due to the weather.
- H. **Communications Tower:** A communications tower is located east of the office.
- I. **Houses:** Bongards owns one house that is rented out and used as a private residence. The existing lease on the private residence is to expire in May of 2023, and Bongards intends to demolish the house at a future date.
- J. **Water Treatment Chemical Feed and Effluent Filtration Building:** The building contains a sand filter for wastewater polishing prior to discharge; it also includes aluminum sulfate storage and various wastewater system controls and monitoring.

VI. UTILITIES

- A. **Sanitary & Industrial Sewage Treatment:** Bongards' operates a co-mingled (domestic and industrial) wastewater treatment system. Domestic wastewater enters septic tanks prior to connecting to the larger wastewater collection system. The wastewater treatment system consists of a grit chamber, lift station, two aerated ponds, one settling pond, one settling/holding pond and a sand filter. Aluminum Sulfate is

added to ponds three and four as needed to precipitate phosphorus. Treated water is discharged twice per year to an unnamed ditch on Bongards' property. Bongards' operates under an MPCA NPDES/SDS Permit.

- B. **Well:** Water source is three private wells for which Bongards holds Minnesota Department of Natural Resource's Water Appropriation Permit No. 60-0708. The water is pumped to a water storage tank located north of the plant.
- C. **Electricity:** Xcel Energy provides three phase electrical power to the facility. Solar fields associated with CUP #PZ20150041 are located west of the campus and contribute to Xcel Energy's Community Solar Garden Program. Bongards leases the land for the field to BentonSun Community Solar and receives an energy credit from Xcel Energy in proportion to what is generated from the garden.

VII. EMPLOYEES

Bongards employs approximately 227 employees that work a variety of shifts that cover a 24-hour period seven days per week.

VIII. SIGNAGE

A lighted sign is located along Highway 212 that identifies the facility.

IX. WASTE MANAGEMENT

Waste Management provides waste disposal. Cardboard is recycled through West Metro Recycling.

X. SITE TRAFFIC, ACCESS, AND PARKING

- A. On a daily basis the following traffic is anticipated to and from the Bongards facility:

Personal / Employee Vehicles (Total):	125 Vehicles	250 Trips
<i>Shift 1: 5:00 AM – 5:00 PM</i>	80 Vehicles	160 Trips
<i>Shift 2: 5:00 PM – 5:00 AM</i>	45 Vehicles	90 Trips
Bongards Owned Vehicles:	8 Vehicles	10 Trips
Semi/Truck Traffic:	22 Vehicles	44 Trips
Semi/Truck Traffic from Independent Trucking Companies:	9 Vehicles	18 Trips
Visitor Vehicles:	30 Vehicles	60 Trips

- B. Site access consists of multiple points directly off county Road 51.
- C. Parking is provided in several locations. Site parking is comprised of 14 parking lots comprised of both gravel and asphalt with approximately 41,700 combined square feet of passenger vehicle parking with 185 spaces, and 51,000 square feet of semi-truck parking.
 - Parking Lot A
 - Use: Trailer Parking
 - Hours of Operation: 24 Hours
 - Existing Site Lighting: The existing lighting at Parking lot A consists of three freestanding, pole-mounted lights at the intersection of the northern gravel driveway with County Road 51. Lights are currently installed on the north side of the driveway approximately as shown on Sheet C-107. Two additional lights are mounted northeastern and southeastern corners of the metal shed adjacent to Parking Lot A. Both building mounted lights are currently directed at the parking lot. Two small, ground level lights are present immediately north and south of the truck access sign located north of the southern gravel drive. Both ground level lights are currently directed at the truck access sign.

Proposed Screening: Installation of new arborvitae to border parking lot and associated lighting as shown on Sheet C-107. The resulting plantings are to provide a sufficiently opaque visual screen in accordance with the Carver county Screening Standards (section 152.041). New glare screens are to be installed on Parking Lot A lighting to limit the existing lighting to the Bongards Facility.

- Parking Lot B
Use: Trailer Parking
Hours of Operation: 24 Hours
Existing Screening: The existing parking lot is located 300 feet away from the nearest residential property. Screening consists of a row of evergreen and deciduous trees and the existing metal shed associated with Parking Lot A.
Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot C
Use: Trailer Parking
Hours of Operation: 24 Hours
Existing Screening: The existing parking lot is located 1000 feet away from the nearest residential property and is screened from those properties by the general Bongards Facility.
Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot D
Use: Trailer Parking
Hours of Operation: 24 Hours
Existing Screening: The existing parking lot is located 1000 feet away from the nearest residential property and is screened from those properties by the general Bongards Facility, and an earthen berm surrounding an existing fuel tank south of the parking lot.
Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot E
Use: Employee Parking
Hours of Operation: 24 Hours
Existing Screening: The existing parking lot is located 900 feet away from the nearest residential property and is screened from those properties by the general Bongards Facility, and an earthen berm surrounding an existing fuel tank southwest of the parking lot.
Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot F
Use: Employee Parking
Hours of Operation: 24 Hours
Existing Screening: The existing parking lot is located 775 feet away from the nearest residential property and is screened from those properties by the general Bongards Facility to the north and southeast, and an earthen berm surrounding an existing fuel tank south of the parking lot.
Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot G
Use: Visitor Parking
Hours of Operation: 24 Hours
Existing Screening: The existing parking lot is located 680 feet away from the nearest residential property and is screened on all sides by the general Bongards Facility.
Proposed Screening: No additional screening is proposed with the current amendment.

- Parking Lot H
 Use: Employee Parking
 Hours of Operation: 24 Hours
 Existing Screening: The existing parking lot is located 750 feet away from the nearest residential property and is screened on all sides by the general Bongards Facility.
 Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot I
 Use: Employee Parking
 Hours of Operation: 24 Hours
 Existing Screening: The existing parking lot is located 700 feet away from the nearest residential property and is screened by the general Bongards Facility to the south, east, and west. A row of trees southeast of the existing well and fire pump provide screening from the north.
 Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot J
 Use: Visitor and Employee Parking
 Hours of Operation: 6:30 AM – 7:00 PM Daily
 Existing Screening: The existing parking lot is located 800 feet away from the nearest residential property and is screened by the general Bongards Facility to the north; the retail store and motor shed to the west, and the admin building to the east. A row of trees south of the parking lot provides screening to the south.
 Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot K
 Use: Visitor Parking
 Hours of Operation: 6:30 AM – 7:00 PM Daily
 Existing Screening: The existing parking lot is located 650 feet away from the nearest residential property and is screened by the admin building to the north; the Erhard property to the south and east; and an existing motor shed to the west.
 Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot L
 Use: Employee and Contractor Parking
 Hours of Operation: 6:30 AM – 7:00 PM Daily for employee use; occasional after-hours parking by contractors.
 Existing Screening: The existing parking lot is located 720 feet away from the nearest residential property and is screened by the maintenance garage and storage building to the north; the Erhard property to the south; the admin building and retail store to the west; and CAT generator building to the east.
 Proposed Screening: No additional screening is proposed with the current amendment.
- Parking Lot M
 Use: Employee and Contractor Parking
 Hours of Operation: Hours of Operation: 6:30 AM – 7:00 PM Daily
 Existing Screening: The existing parking lot is located 700 feet away from the nearest residential property and is screened by the general Bongards facility to the west; and the maintenance garage and admin building to the south. The wastewater office and existing vegetation south of the property located at 13125 County Road 51, Norwood Young America provide screening to the north.
 Proposed Screening: No additional screening is proposed with the current amendment.

- **Parking Lot N**

Use: Trailer Parking

Hours of Operation: 24 Hours

Existing Screening: The existing parking lot is located 550 feet away from the nearest residential property and is screened by the general Bongards facility to the west; and the maintenance garage, admin building, and existing storage shed to the south. Existing vegetation south of the property located at 13125 County Road 51, Norwood Young America provides screening to the north.

Proposed Screening: No additional screening is proposed with the current amendment.

- D. Visitors to the site consist of employees, customers (retail store and processed cheese), vendors, visitors, truck/delivery drivers, consultants, maintenance and construction related individuals.

XI. SITE STORAGE

Indoor storage needed as part of the operations includes five coolers to store ingredients and finished product and five ambient temperature storage sheds to store a variety of equipment and replacement parts. Outdoor storage of equipment, chemical products, or ingredients is not anticipated for the Bongards site.

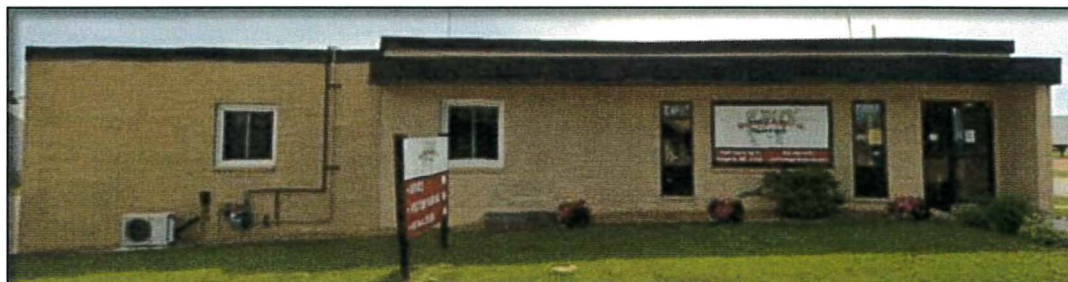
XII. SITE SINGAGE

Existing several small signs located throughout the property for navigational purposes, and site signage including the following:

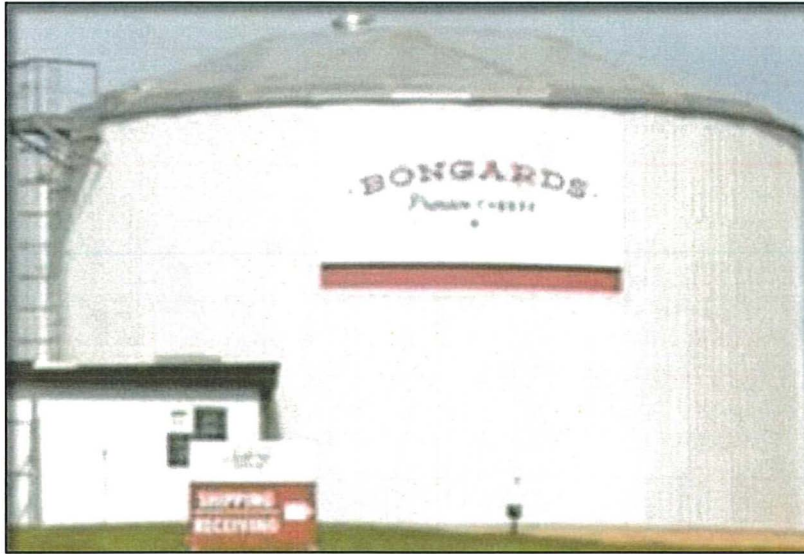
- A. Retail Store: Two signs with 8 ft x 1 ft and 34 in x 28 in dimensions.



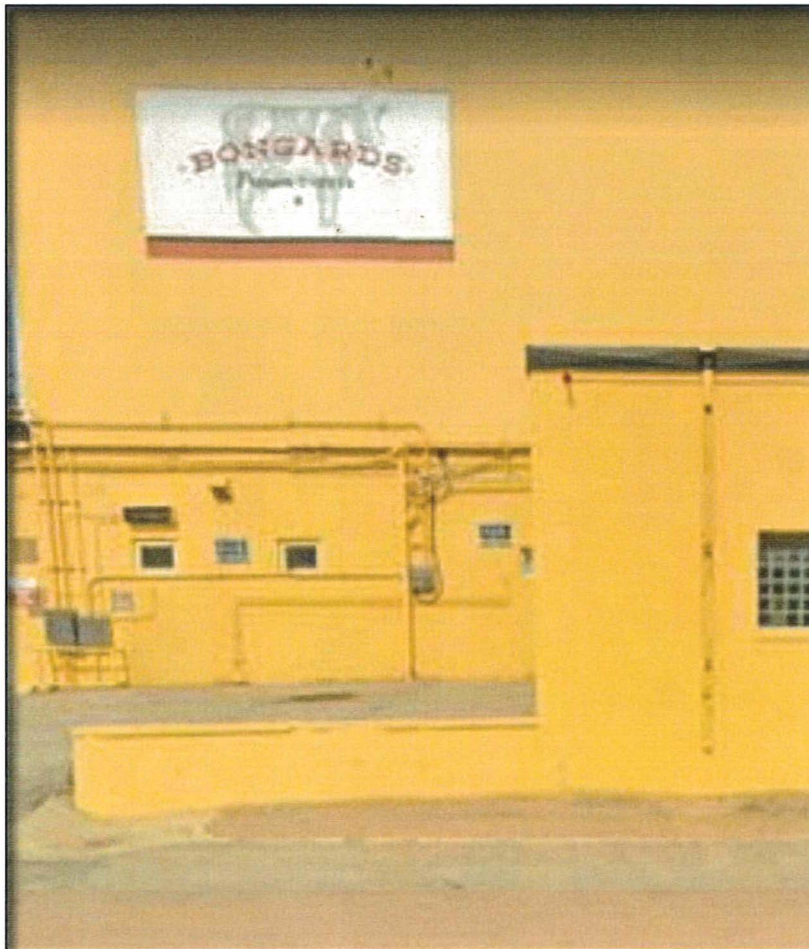
- B. Admin Office: One sign mounted to the existing building with 4 ft x 8 ft dimensions. One directional sign with the Bongards logo and 4 ft x 6 ft dimensions.



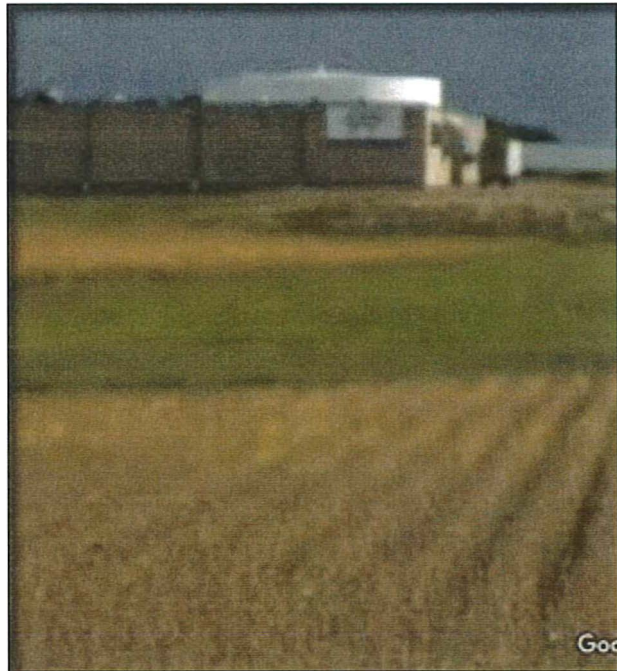
- C. Water Tank: One tank mounted sign with 9 ft 11in x 18 ft dimensions.



- D. One building mounted sign facing Highway 51 with 20 ft x 10 ft dimensions.



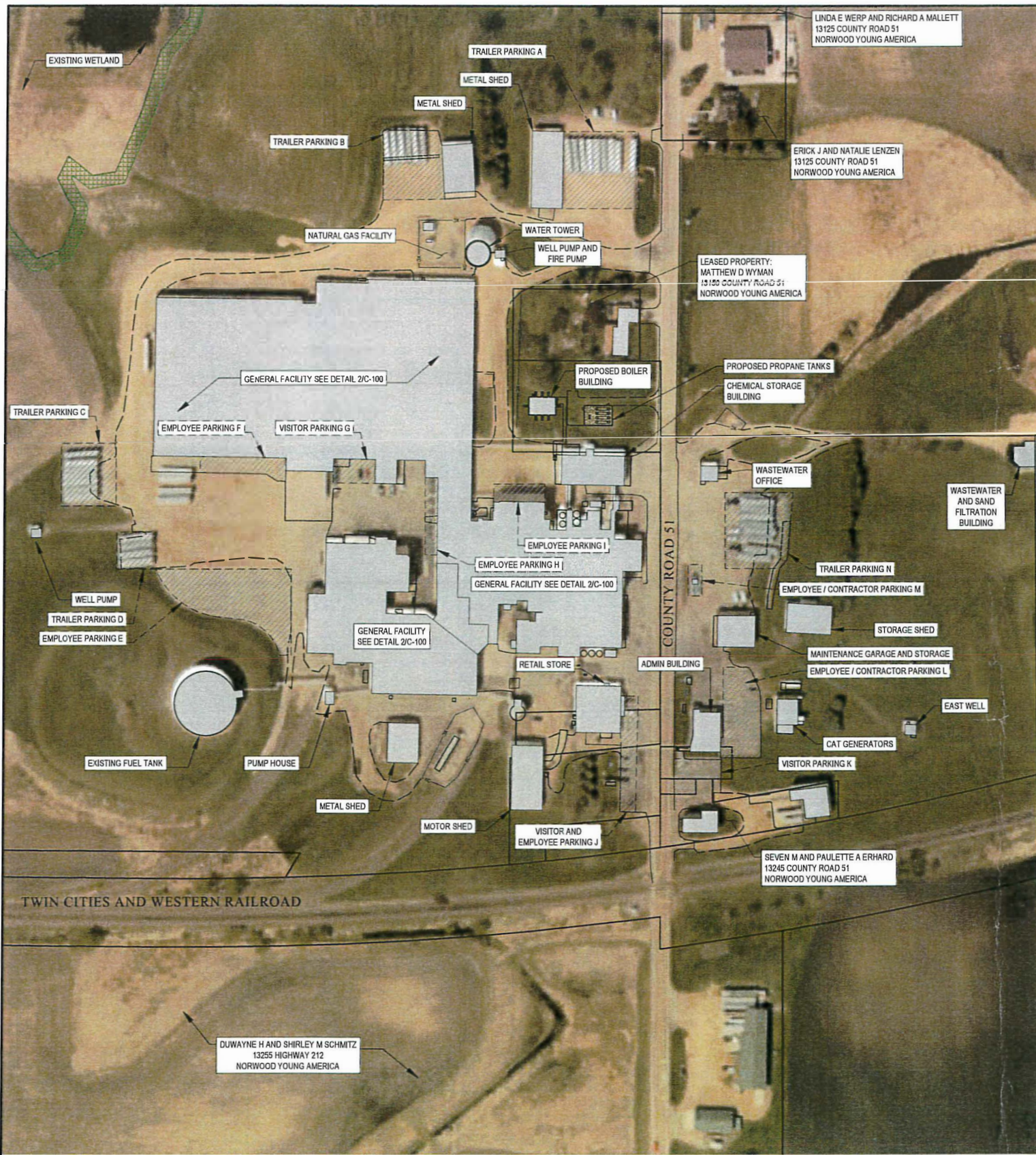
- E. Cooler: One sign mounted to the existing cooler facing Highway 212 with 20 ft x 10 ft dimensions.



- F. One billboard located on the south side of Highway 212 with 14 ft 2 in x 24 ft 8 in dimensions.



Apr 21, 2022 - 3:05pm I:\16100\16174 BONGARDS CREAMERIES - NORWOOD MN\07 Civil\01 CAD files\01 SHEETS\16174_C-CAMPUS.dwg
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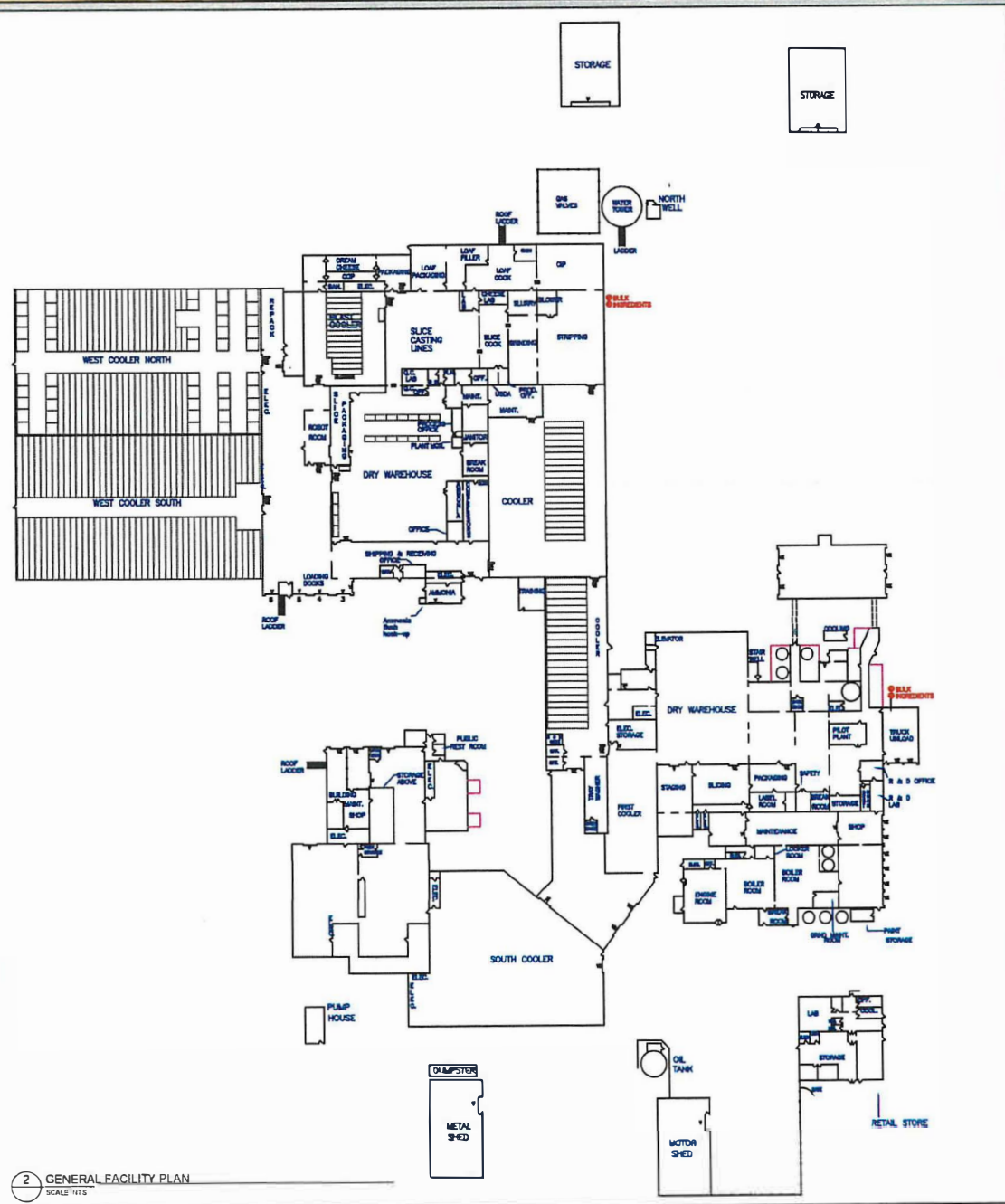


1 OVERALL CAMPUS SITE PLAN
SCALE: 1" = 100'

0 100' 200'



2 GENERAL FACILITY PLAN
SCALE: 1/8" = 1'



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13605 1st Avenue N. #100
Plymouth, MN 55441 | ae-mn.com
P 763.412.4000 | F 763.412.4090
Anderson Engineering of Minnesota, LLC

MIURA BOILER BUILDING

13160 COUNTY ROAD 51
NORWOOD YOUNG AMERICA

BONGARDS CREAMERIES

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: JAN J. WEBER, PE

SIGNATURE: NOT FOR CONSTRUCTION

DATE: 4/11/2022 LICENSE NO. 55502

REVISION LOG

NO.	DATE	DESCRIPTION OF REVISIONS

CUP SUBMITTAL
APRIL 22, 2022

DESIGNED:	DRAWN:	CHECKED BY:
LJW	LJW	LJW

DRAWING TITLE

OVERALL CAMPUS SITE PLAN

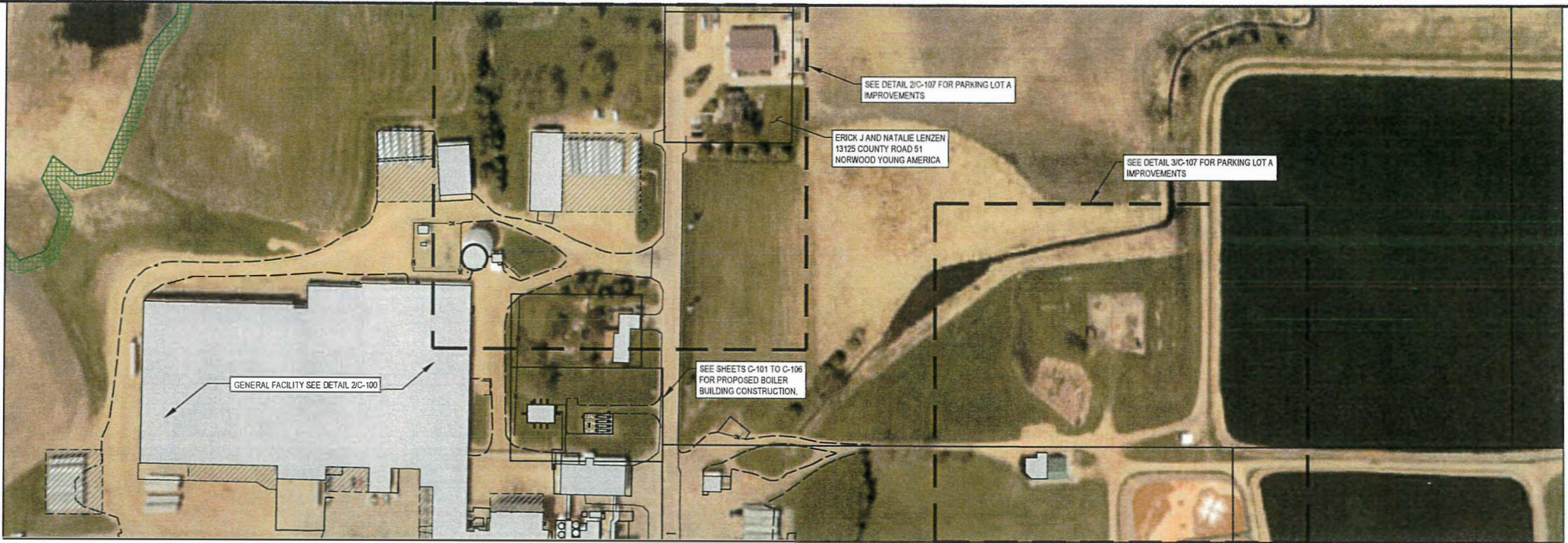
DRAWING NO.

C-100

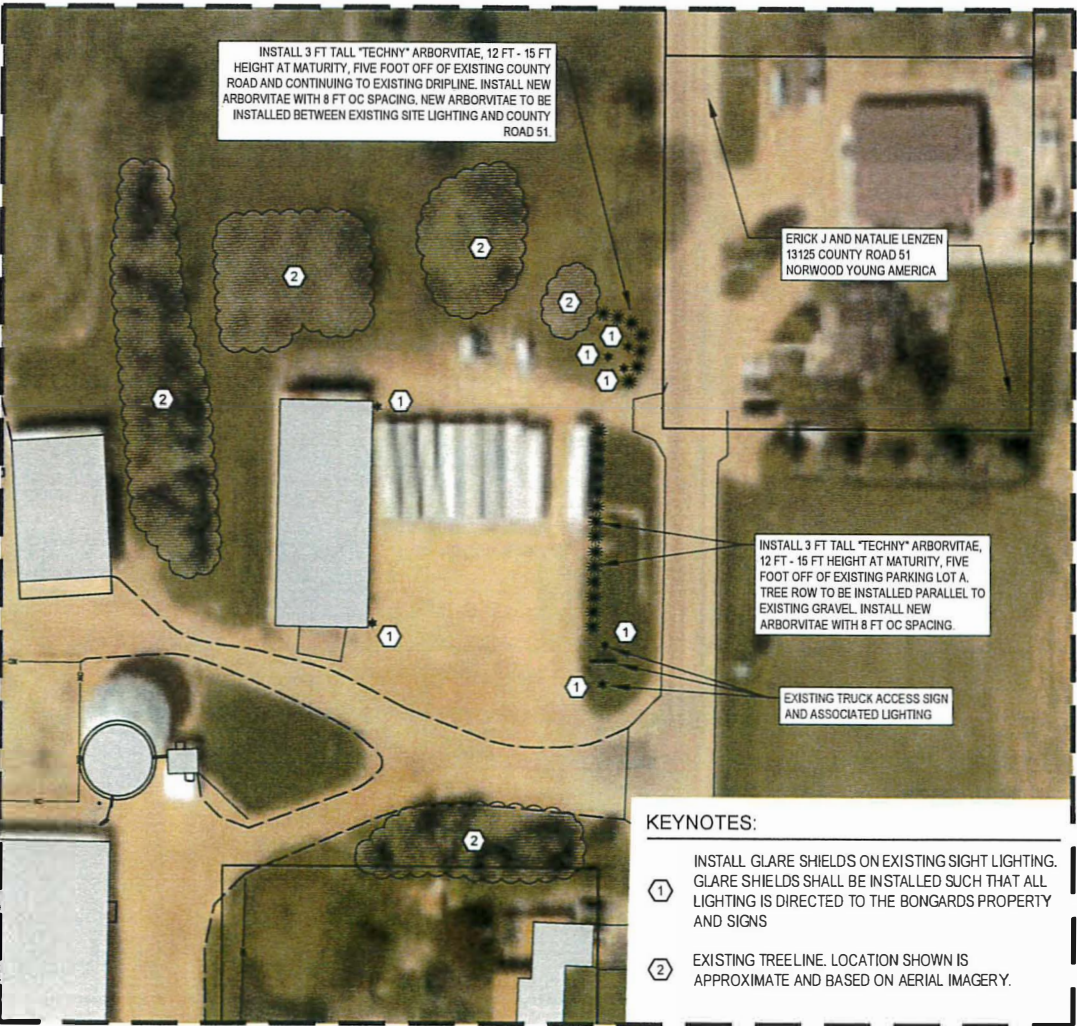
PLOTTED:

COMM. NO.
16174

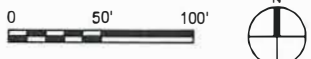
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1 GREATER CAMPUS IMPROVEMENTS PLAN
SCALE: 1" = 50'



2 PARKING LOT A IMPROVEMENTS
SCALE: 1" = 50'



3 EXISTING GRAVEL DEMOLITION AND RESTORATION
SCALE: 1" = 50'



NOTES:

1. ALL CONSTRUCTION SHALL COMPLY WITH 2020 EDITION OF MN/DOT STANDARD CONSTRUCTION SPECIFICATIONS (INCLUDING SUPPLEMENTS), AS APPLICABLE. ALL CONSTRUCTION SHALL COMPLY WITH CARVER COUNTY WMO, MN DEPARTMENT OF HEALTH, AND CARVER COUNTY PERMIT REQUIREMENTS.
2. CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITIES IN THE AREA OF CONSTRUCTION, PRIOR TO BEGINNING THE WORK.
3. NEW CONSTRUCTION FEATURES SHALL MATCH IN TO EXISTING WHERE APPLICABLE (PAVEMENTS, CURBS, SIDEWALKS). PROVIDE SMOOTH TRANSITIONS AT MATCH-IN POINTS.
4. NO WORK SHALL BE PERFORMED WITHIN THE CARVER COUNTY RIGHT OF WAY WITHOUT COPIES OF THE APPROVED COUNTY PERMITS ON SITE. CONTRACTOR SHALL PERFORM WORK WITHIN THE R/W IN CONFORMANCE WITH ALL PERMIT REQUIREMENTS.
5. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ALL HORIZONTAL AND VERTICAL CONTROLS.
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO CONSTRUCTION.
7. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY CONSTRUCTION PERMITS REQUIRED TO PERFORM ALL THE WORK. THE CONTRACTOR SHALL POST ALL BONDS, PAY ALL FEES, PROVIDE PROOF OF INSURANCE, AND PROVIDE ANY NECESSARY TRAFFIC CONTROL FOR THE WORK.
8. PROTECT EXISTING UTILITIES UNLESS OTHERWISE NOTED.
9. SUBSTITUTIONS FROM INFO. SHOWN HEREON SHALL BE REVIEWED AND APPROVED BY THE ENGINEER OF RECORD.
10. VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL AND FOUNDATION PLAN.
11. OWNER/CONTRACTOR TO HOLD PRECONSTRUCTION MEETING PRIOR TO CONSTRUCTION.
12. SEE SHEET C-102 FOR STORMWATER POLLUTION PLAN AND TOPSOIL MANAGEMENT NOTES.



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13605 1st Avenue N. #100
Plymouth, MN 55441 | ae-mn.com
P 763.412.4000 | F 763.412.4090
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MIURA BOILER
BUILDING

13160 COUNTY ROAD 51
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AMERICA

BONGARDS CREAMERIES

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: IAN J. WEBER, PE

SIGNATURE: NOT FOR CONSTRUCTION

DATE: 4/11/2022 LICENSE NO. 55502

REVISION LOG

NO.	DATE	DESCRIPTION OF REVISIONS

CUP SUBMITTAL

APRIL 22, 2022

DESIGNED: LW	DRAWN: LW	CHECKED BY: LW
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DRAWING TITLE

GREATER CAMPUS
IMPROVEMENTS
PLAN

DRAWING NO.

C-107

PLOTTED: ---	COMM. NO. 16174
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STORMWATER POLLUTION PREVENTION PLAN NOTES:

1. GRADING CONTRACTOR SHALL VERIFY LOCATIONS AND ELEVATIONS OF ALL UNDERGROUND UTILITIES WITH THE RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION
2. ALL EROSION CONTROL MEASURES CALLED FOR ON THESE PLANS AND SPECIFICATIONS, WHICH MAY INCLUDE SILT FENCE, SEDIMENTATION BASINS OR TEMPORARY SEDIMENT TRAPS, SHALL BE CONSTRUCTED AND SERVICEABLE IN THE FOLLOWING ORDER:

- A. ROCK CONSTRUCTION ENTRANCES.
- B. SILT FENCE.
- C. COMMON EXCAVATION AND EMBANKMENT (GRADING)
- D. SEED AND MULCH OR SOD.
- E. BIO-ROLL BARRIERS IN FINISHED GRADED AREAS.
- F. INLET AND OUTLET FACILITIES SUBSEQUENT TO STORM SEWER WORK.

GRADING CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL EROSION CONTROL MEASURES AS MAY BE SHOWN ON THESE PLANS OR SPECIFICATIONS. GRADING CONTRACTOR SHALL IMPLEMENT ANY ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED TO PROTECT ADJACENT PROPERTY.

3. ALL EROSION CONTROL FACILITIES SHALL BE MAINTAINED BY THE CONTRACTOR DURING GRADING OPERATIONS. ANY TEMPORARY FACILITIES WHICH ARE TO BE REMOVED AS CALLED FOR ON THESE PLANS AND SPECIFICATIONS SHALL BE REMOVED BY THE GRADING CONTRACTOR WHEN DIRECTED BY THE ENGINEER. THE GRADING CONTRACTOR SHALL THEN RESTORE THE SUBSEQUENTLY DISTURBED AREA IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS.
4. THE GRADING CONTRACTOR SHALL SCHEDULE THE SOILS ENGINEER SO THAT CERTIFICATION OF ALL CONTROLLED FILLS WILL BE FURNISHED TO THE OWNER DURING CONSTRUCTION AND UPON COMPLETION OF THE PROJECT.
5. ALL DISTURBED AREAS, EXCEPT AREAS TO BE PAVED AND/OR SPECIFICALLY DESIGNED BY A LANDSCAPE PLAN, SHALL BE COVERED WITH A MINIMUM 6" OF TOP SOIL. ALL DISTURBED AREAS SHALL BE SEED & MULCHED AT THE PRESCRIBED RATES WITHIN 72 HOURS OF FINAL GRADING UNLESS OTHERWISE NOTED.

SEED MIX: MNDOT NO. 25-131 220#/ACRE
MULCH: TYPE 1 2 TONS/ACRE (DISK ANCHORED)
FERTILIZER: 150#/ACRE RATE OF APPLICATION 20-10-10

6. ALL EXPOSED SOIL AREAS WITH A CONTINUOUS POSITIVE SLOPE WITHIN 200 LINEAL FEET OF ANY SURFACE WATER, MUST HAVE TEMPORARY EROSION PROTECTION OR PERMANENT COVER FOR THE EXPOSED SOIL AREAS YEAR ROUND, ACCORDING TO THE FOLLOWING TABLE OF SLOPES AND TIME FRAMES.

TYPE OF SLOPE	TIME
STEEPER THAN 3:1	7 DAYS
10:1 TO 3:1	14 DAYS
FLATTER THAN 10:1	14 DAYS

(Maximum time an area can remain open when the area is not actively being worked)

7. IT IS REQUIRED THAT SOILS TRACKED FROM THE SITE BY MOTOR VEHICLES BE CLEANED DAILY FROM PAVED ROADWAY SURFACES THROUGHOUT THE DURATION OF CONSTRUCTION.
8. ALL REQUIREMENTS OF THE LOCAL WATERSHED DISTRICT SHALL BE SATISFIED PER THE APPROVED PERMIT.
9. ALL EROSION & SEDIMENT CONTROL MEASURES SHOWN ON THIS PLAN AND IMPLEMENTED IN THE FIELD AS DIRECTED BY THE ENGINEER SHALL CONFORM TO THE MPCA'S "PROTECTING WATER QUALITY IN URBAN AREAS: BEST MANAGEMENT PRACTICES FOR MINNESOTA".
10. ALL SOLID WASTE/ CONSTRUCTION DEBRIS SHALL BE DISPOSED OF IN ACCORDANCE WITH MPCA REQUIREMENTS. HAZARDOUS MATERIALS SHALL BE STORED/ DISPOSED OF IN COMPLIANCE WITH MPCA REGULATIONS
11. INLET SEDIMENTATION CONTROL IS TO BE PROVIDED TO ALL STORM SEWER CATCH BASINS THROUGHOUT CONSTRUCTION. MEASURES APPLIED SHALL COMPLY WITH BEST MANAGEMENT PRACTICES FOR MINNESOTA AND APPLICATIONS OF NPDES PHASE II AS APPROPRIATE FOR PHASE OF CONSTRUCTION.
12. CONTRACTOR SHALL PREVENT SOIL LOSS DURING CONSTRUCTION DUE TO WIND EROSION. DUST SHALL BE SUPPRESSED THROUGH THE APPLICATION OF WATER AS DEEMED NECESSARY BY THE CONTRACTOR, OR THROUGH EQUIVALENT BMP'S AS APPROVED BY THE ENGINEER.



LEGEND

	PROPERTY LIMITS
	D&U EASEMENT
	PROPOSED SETBACK
	CONCRETE PAVEMENT
	PROPOSED CAT 3 EROSION CONTROL BLANKET
	PROPOSED ROCK CONSTRUCTION ENTRANCE
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR

KEYNOTES:

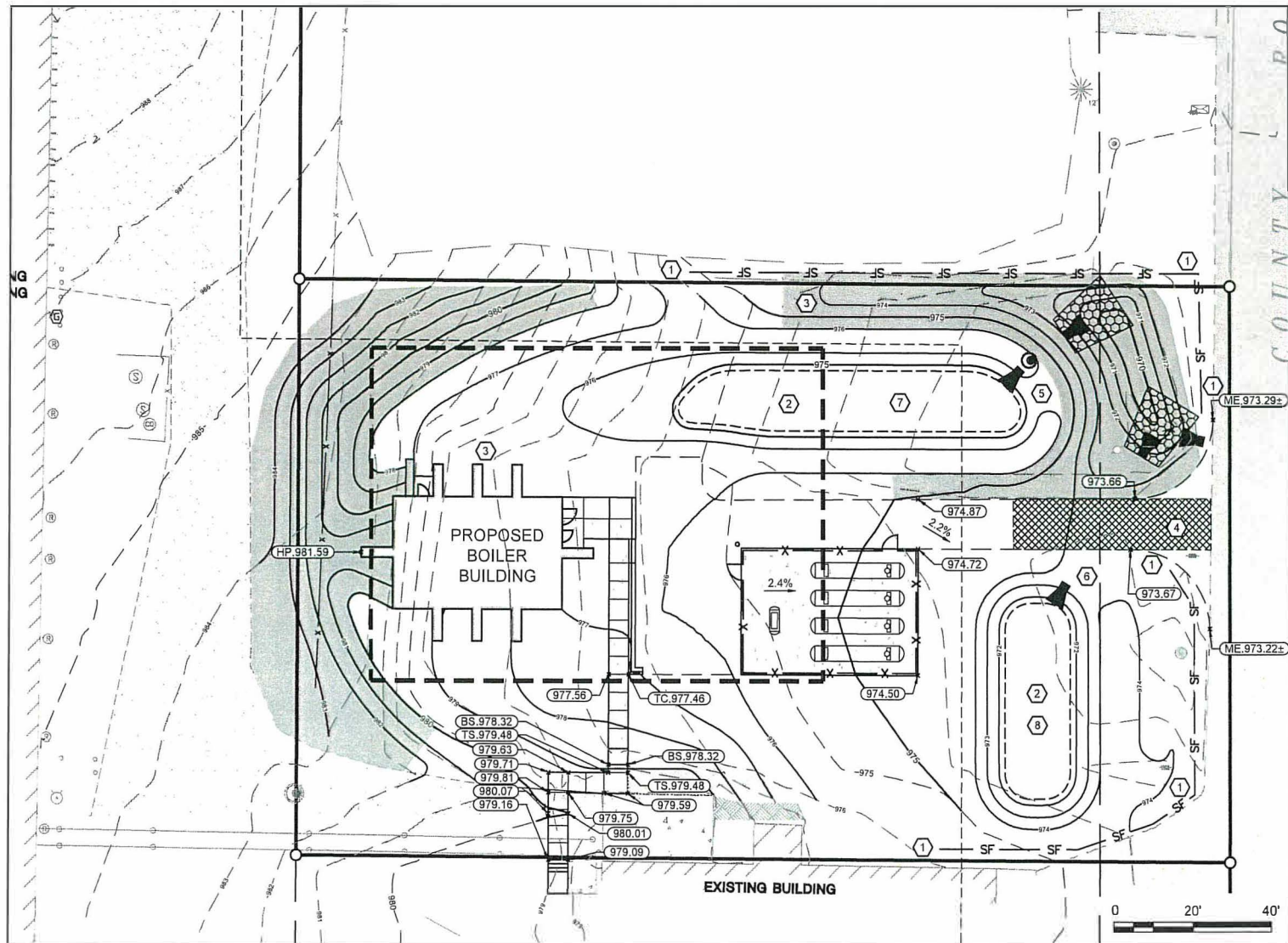
1. INSTALL, PROCURE, AND MAINTAIN SILT FENCE THROUGHOUT CONSTRUCTION
2. INSTALL TEMPORARY SILT FENCE AROUND BIOFILTRATION AND DETENTION BASINS AS SOON AS BMP GRADING IS COMPLETE. REMOVE SILT FENCE AFTER THE CONTRIBUTING WATERSHEDS HAVE BEEN FULLY ESTABLISHED.
3. INSTALL EROSION CONTROL BLANKET ON ALL SLOPES STEEPER THAN 4:1.
4. INSTALL ROCK CONSTRUCTION ENTRANCE.
5. EOF = 975.96. 10' WIDE AND LEVEL. GRASS LINED SPILLWAY WITH TURF REINFORCEMENT (FUTERRA 7020 CATEGORY 3 TRM).
6. EOF = 973.75. 10' WIDE AND LEVEL. GRASS LINED SPILLWAY WITH TURF REINFORCEMENT (FUTERRA 7020 CATEGORY 3 TRM).
7. PROPOSED BIOFILTRATION BASIN. NWL = 974.50 (DRY), HWL = 975.96.
8. PROPOSED DETENTION BASIN NWL = (DRY), HWL = 973.20.

NOTES:

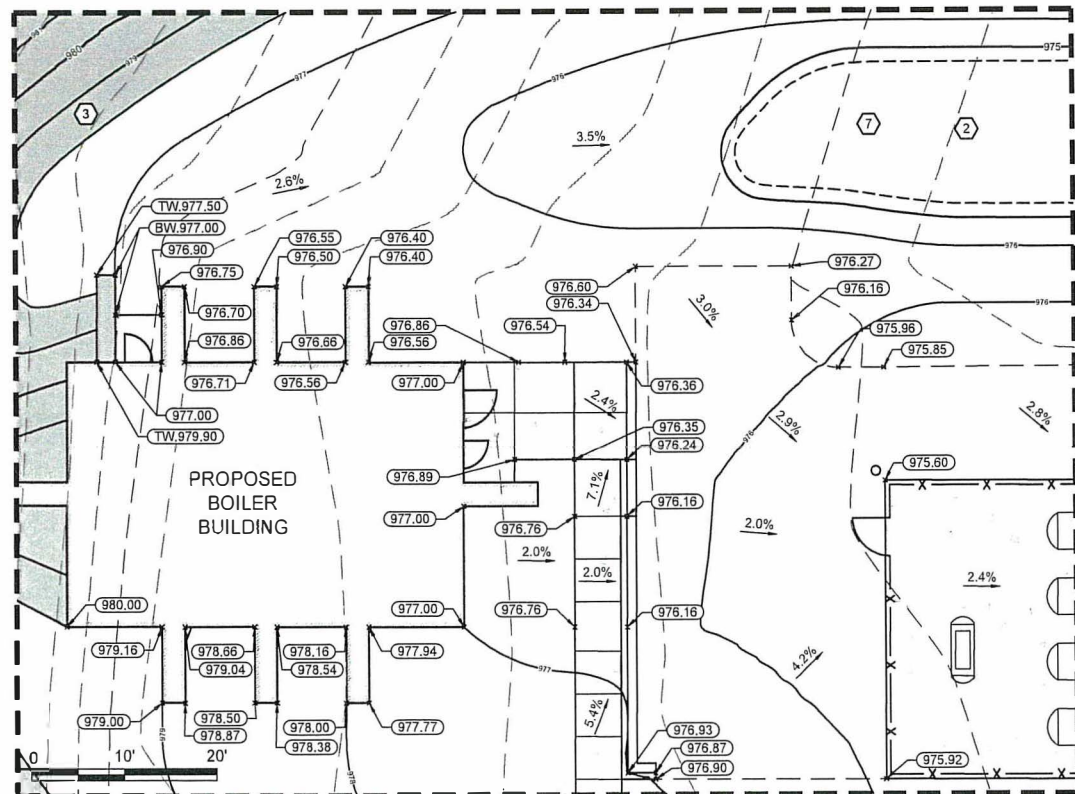
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10. VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL AND FOUNDATION PLAN.
11. OWNER/CONTRACTOR TO HOLD PRECONSTRUCTION MEETING PRIOR TO CONSTRUCTION.

TOPSOIL MANAGEMENT NOTES:

1. 6" (MIN) OF TOPSOIL SHALL BE RESTORED TO ALL PERVIOUS AREAS.
2. PROPOSED TOPSOIL MUST MEET THE CCWMO TOPSOIL STANDARD OR MUST MEET A SITE SPECIFIC STANDARD AS DETERMINED DURING PRECONSTRUCTION TOP SOIL TESTING.
3. PRIOR TO PLACEMENT OF TOPSOIL, THE CONTRATOR SHALL DECOMPACT UNDERLAYING SOIL TO A DEPTH OF 6".
4. THE CONTRACTOR SHALL, PRIOR TO EARTHWORK OPERATIONS, HAVE THE EXISTING TOPSOIL TESTED BY A LICENSED GEOTECHNICAL ENGINEER FOR COMPLIANCE WITH CCWMO TOPSOIL STANDARD. IF THE EXISTING TOPSOIL IS NOT COMPLIANT, THE CONTRACTOR SHALL, WITH THE ASSISTANCE OF THE GEOTECHNICAL ENGINEER, DEVELOP SITE SPECIFIC TOPSOIL AMENDMENTS.
5. THE CONTRACTOR SHALL, PRIOR TO EARTHWORK OPERATIONS, PREPARE A TOPSOIL MANAGEMENT PLAN IDENTIFYING STOCKPILING LOCATIONS FOR TOPSOIL.



1 GRADING PLAN - OVERALL
1"=10' (22 X 34 SHEET SIZE)



2 GRADING PLAN - MIURA BOILER BUILDING
SCALE: 1"=10' (22 X 34 SHEET SIZE)



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13605 1st Avenue N. #100
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P 763.412.4000 | F 763.412.4090
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MIURA BOILER
BUILDING

13160 COUNTY ROAD 51
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BONGARDS CREAMERIES

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PRINT NAME: IAN J. WEBER, PE

SIGNATURE: NOT FOR CONSTRUCTION

DATE: 4/11/2022 LICENSE NO. 55502

REVISION LOG

NO.	DATE	DESCRIPTION OF REVISIONS

CUP SUBMITTAL
APRIL 22, 2022

DESIGNED:	DRAWN:	CHECKED BY:
IJW	IJW	IJW

DRAWING TITLE

GRADING PLAN

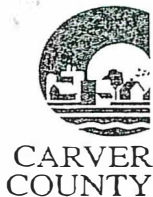
DRAWING NO.

C-102

PLOTTED:

COMM. NO.

16174



COUNTY OF CARVER
State of Minnesota

Document No.

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OFFICE OF THE
REGISTRAR OF TITLES
CARVER COUNTY, MINNESOTA
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2003-04-21




Carl W. Hanson, Jr.
Registrar of Titles

FILE #: CU-PZ20020064

APPLICANT: Bongards Creameries (Roger Engelmann, Gen

PERMIT TYPE: Rural Service District

PURSUANT TO: Ordinance 47, Section(s) 151.82

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-017-0100, 01-016-0900 (and many others)

Drafted by } Planning & Zoning

Return to } Planning & Zoning

CONDITIONAL USE PERMIT # PZ20020064

PLANNING COMMISSION RESOLUTION #: 03-01

ORDER #: CU-PZ20020064

DATE ISSUED: February 3, 2003

This permit is issued for property legally described on the attached Exhibit "A", pursuant to Carver County Ordinance #47.

THE WASTEWATER TREATMENT SYSTEM UPGRADE AND THE INCORPORATION OF A MASTER PLAN AND UPDATED SITE PLAN IS AUTHORIZED BY COUNTY BOARD ORDER #CU-PZ20020064, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20020064 THEREBY AMENDING CONDITIONAL USE PERMIT #2539. THE AMENDED PERMIT WOULD SUPERCEDE ALL PRIOR PERMITS, AMENDMENTS AND RENEWALS. CUP #PZ20020064 WOULD REPLACE CUP #2539. THIS PERMIT IS ISSUED PURSUANT TO CARVER COUNTY ORDINANCE #47, SECTION(S) 151.82 ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". FAILURE TO MANAGE WASTEWATER TREATMENT AND/OR INDUSTRIAL BIO-SOLIDS IN ACCORDANCE WITH THE DEADLINES AND REQUIREMENTS OF THE NPDES/SDS PERMIT AND/OR FAILURE TO MEET THE ONE (1) MILLIGRAM PER LITER TOTAL PHOSPHOROUS LIMIT BY SEPTEMBER 1, 2004, SHALL BE CAUSE FOR REVIEW OF THE CUP OR OTHER ENFORCEMENT PROCEDURES AS DEEMED APPROPRIATE BY THE COUNTY ATTORNEY'S OFFICE AND COUNTY STAFF. THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The Bongards' Master Plan, dated October 18, 2002, shall be attached to, and become part of the conditional use permit. Facility operations or development shall be considered approved from a land use standpoint if it essentially conforms to the Master Plan and the approved site plan, as amended January 8, 2003. Any substantial changes in the operation or design, as determined by the Zoning Administrator, would require submittal of an application for an amendment.
2. The Minnesota Pollution Control Agency is the regulatory authority for the Wastewater Treatment System. Permittee is responsible to the MPCA for compliance and/or monitoring of the NPDES/SDS Permit. Any County notification that is required by the NPDES/SDS Permit should be sent to both the Director of Planning & Zoning and the Director of Environmental Services.
3. The Minnesota Pollution Control Agency is the regulatory authority for the Land Application of Bio-solids. Permittee is responsible to the MPCA for compliance and/or monitoring of the NPDES/SDS Permit. Any County notification that is required by the NPDES/SDS Permit should be sent to both the Director of Planning & Zoning and the Director of Environmental Services.

4. Any required building permits must be obtained prior to construction.
5. An access permit or similar approval must be obtained from Carver County Public Works before modifications and/or construction within the Co Rd 51 right-of-way.
6. A Storm Water Management Plan, Grading Plan and Erosion/Sediment Control Plan shall be prepared and implemented in accordance with the Carver County Water Management Plan.
7. Wetland mitigation shall be provided in accordance with the MN Wetland Conservation Act.
8. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Planning & Zoning for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Planning & Zoning as early on in the timeline of the proposed change as possible.
9. A tree planting plan utilizing 5' to 6' spruce trees, with SWCD determining what and how far apart the spruce trees should be, shall be submitted and implemented to provide screening of the new wastewater pond immediately following final grading.
10. Permittee shall provide access to the wastewater and/or industrial bio-solid sampling procedures, locations, schedules and results, as requested by Planning & Zoning or Environmental Services, whereby County Staff would be allowed to monitor the process periodically. Permittee shall, within two hours of being requested by County Staff, conduct sampling on its property in locations as determined by County Staff. County Staff shall be allowed access to Permittee's property to monitor the sampling. Permittee shall be responsible for the cost of obtaining and testing the samples. The sampling required in this condition shall not exceed six (6) times per year, shall be independently taken, and may replace the ones that would otherwise have to be done by Bongards.



Steve Just
Deputy Planning Director

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

Applicant signature block

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE

THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT UNLESS SUBSTANTIAL ACTION IS TAKEN PURSUANT TO THIS PERMIT WITHIN SIX (6) MONTHS OF THE ISSUANCE OF THE BOARD ORDER THE PERMIT SHALL AUTOMATICALLY BE NULL AND VOID. THE TIME PERIOD CAN BE EXTENDED ONLY BY ACTION OF THE COUNTY BOARD OF COMMISSIONERS. A PETITION FOR EXTENSION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE.

I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

Roger Engelmann
Signature of Applicant

4-17-03
Date

BONGARDS CREAMERIES

Master Plan

October 18, 2002

I. Executive Summary

Bongards Creameries is located at 13200 County Road 51, in the town of Bongards, Benton Township, Carver County, just south of Highway 212. The principal activity at this facility is the manufacturing of natural and processed cheeses utilizing on an average annual basis up to two million pounds of milk per day. Whey solids, the byproduct of the cheese production, are dried and sold as whey powder.

Bongards Creameries is planning to upgrade its Wastewater Treatment Facility to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) Permit MN0002135 issued by the Minnesota Pollution Control Agency on March 26, 2001. Bongards is planning to locate additional equipment and pond space next to the existing treatment system in Section 17 of Benton Township. The following attachments provide additional information on this project.

Site Plan

WWTP Engineering and Evaluation Report

II. Timeframe

Bongards Creameries hopes to follow the design and construction schedule on page 13 of WWTP Engineering and Evaluation Report. If this timeframe is met, construction may begin in the spring of 2003. The project should be completed by August 2, 2004.

III. Hours of Operation

The facility will operate 24 hours per day 7 days a week.

IV. Project Components

- A. Raw wastewater pumping station (Current)
- B. A 2,500,000 gallon aerated pond with a surface area of 0.75 acres and a 17 foot operating depth (Current)
- C. A 4,400,000 gallon aerated pond with a surface area of 2.75 acres and a 10 foot operating depth (Current)
- D. A 3,170,000 gallon pond with a surface area of 1.8 acres and a 7 foot operating depth (Current)
- E. A 37,280,000 gallon pond with a surface area of 11.5 acres and an 11 foot operating depth (Current)

- F. A 17,500,000 gallon pond with a surface area of 7.5 acres and a 9.5 foot operating depth (Proposed)
- G. Chemical Feed and Effluent Filtration Building (Proposed)
- H. Clarifier (Proposed)

V. Total Facility Components

A. Office

The office consists of five rooms on the ground floor and six rooms in the basement that contain a total of 18 employees. The office is open from 7:00 A.M. till 5:00 P.M. Monday thru Friday.

B. Retail Store & Lab

The retail store is open on Monday thru Friday from 7:00 A.M. until 5:00 P.M., Saturday from 8:00 A.M. until 4:00 P.M., and Sunday from 11:00 A.M. until 4:00 P.M.

C. Milk Receiving Sheds

There are three receiving sheds that consist of a total of 12 stalls to receive milk into the plant. They are open from approximately 4:00 A.M. until 10:00 P.M. daily.

D. Milk Silos

There are 7 milk silos with a total capacity of 2.5 million pounds.

E. Natural Cheese Plant & Coolers

The natural cheese plant converts the milk into 50 pound blocks and 500 pound barrels of cheese.

F. Process Cheese Plant & Coolers

The process cheese plant converts the 50 pound blocks into ½, 1, 5, and 10 pound blocks of natural cheese. The 500 pound barrels are converted to 2, 3 and 5 pound processed slice and processed loaf cheese.

G. Whey Drying Plant & Warehouse

The whey drying plant consists of an evaporator and 4 dryers that remove the water from the whey. The whey powder is then bagged and stored in the warehouse

H. Cooling Tower

I. Fuel Storage

Fuel storage consists of a 2,200,000 gallon tank and a 100,000 gallon tank for fuel oil. Both tanks have earthen containment dams surrounding them. There are two 30,000 gallon tanks for propane storage. There is a 12,000 gallon tank and a 1,000 gallon tank to store diesel fuel for the standby generators.

J. Truck Scale

K. Maintenance Garage

The maintenance garage consists of a brick building that contains a heated bay for repair and maintenance, and a cold stall for equipment storage.

L. Building Maintenance Shed

The building maintenance shed consists of a small heated shop used to repair small items such as doors, windows, etc.

M. Storage Sheds

Five storage sheds are located throughout the property to store a variety of old equipment and replacement parts.

N. Standby Generators

Two standby Cat generators and one Fairbanks generator provide electrical energy during times of curtailment and interruptions due to the weather.

O. Parking

Parking is provided in several locations off of the highway. There are parking areas south and west of the retail store, east of the truck scale, and west of the whey drying plant.

P. Communications Tower

A communications tower is located east of the office.

Q. Houses

- Bongards owns two houses that are rented out. One is used for a private residence. The other is used by an individual for a daycare.

VI. Utilities

A. Sanitary Sewer

The sanitary sewer is connected to our own waste treatment system and is treated along with our other wastewater.

B. Well

Water source is three private wells for which Bongards holds Minnesota Department of Natural Resource's Water Appropriation Permit No. 60-0708. The water is pumped to a water storage tank located north of the plant.

C. Electricity

Excel Energy provides three phase electrical power to the facility.

VII. Employees

Bongards employs approximately 320 employees that work a variety of shifts that cover a 24 hour period seven days per week.

VIII. Signage

A lighted sign is located along Highway 212 that identifies the facility.

IX. Waste Management

Franck's Sanitation provides waste disposal. Cardboard is recycled through West Metro Recycling.



Township Presentation & Recommendation Form

PARCEL #	010170600, 010170700, 010171800, 010172200, 010172300, & 010172600	Permit #	PZ20220019
Owner's Name:	Owner's Mailing Address:		
BONGARDS CREAMERIES	250 Lake Dr East		
City:	Owner State:	Owner Zip:	
Chanhassen	Minnesota	55317	
Applicant (if other than owner):	Site Address:		
Chris Anderson	13200 County Road 51, Norwood Young America, MN 55368		

Type of Request:	☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
Description of Request:	
Bongards is requesting an amendment to CUP #PZ20020064 to incorporate the properties with PID numbers 010170600, 010172300, 010170700, 010171800, and 010172200 in the existing CUP and to allow for the construction of a new 1,200 square foot boiler building at PID 010172300.	
Date of County Public Hearing:	5-17-22 Date of Township Meeting:

Actions:

Township Action Taken:

- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
☐ Recommends denial for the following reasons:
☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Chris Anderson Signature of Applicant	4/20/2022 Date
Terry Bussell Signature of Township Official	4-14-22 Date

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-016-2300

PERMIT# PZ20220019

APPLICANT: Chris Anderson

OWNER: Bongards Co-op Creamery

The legal descriptions below correspond to the parcels identified on the attached ½ section map. The “Schmitz” parcel is the small rectangular parcel immediately to the North of Parcel D.

Note also the “*” is the “degree” symbol

Parcel A

Commencing at a point on Section Line between Sections 16 and 17 Township 115, Range 25, said point being the North line of the Right of Way of the C.M. St. Paul & Pacific Railway Company; thence running South 84*20' West 183 feet along said Right of Way to a point; thence North 70 feet to a point, thence North 84*20' East 183 feet to section line; thence South on said section line 70 feet to place of beginning. Situated in S½ of SE¼ Section 17 Twp. 115, Range 25, containing 30/100 of an acre, more or less.

Also commencing at a point on Section line between sections 16 and 17, Township 115, Range 25, said point being the North line of C.M. & St. Paul & Pacific Railway Company Right of Way; thence North along said section line 347-5/10 feet making this the place of beginning of the parcel of land to be conveyed herewith; thence South 84*20' West 238 feet to a point; thence North 91 feet; thence North 84*20' East 238 feet to a point on said section line; thence South on said section line 91 feet to place of beginning, excepting therefrom a parcel of land 15 feet wide 123 feet long by the following description:

Commencing at a point of section line between sections 16 and 17, Township 115, Range 25, said point being the North line of C.M. St. Paul & Pacific Railway Company Right of Way; thence running North along said section line 423 & 5/10 feet making this the place of beginning of the parcel of land conveyed herewith; thence South 84*20' West 123 feet to a point; thence North 15 feet, thence North 84*20' East 123 feet to section line; thence South on said section line 15 feet to place of beginning.

Also commencing at a point on the section line between section 16 and 17, Township 115, Range 25 said point being the North line of the C.M. St. Paul & Pacific Railway Company Right of Way; thence running North along said section line 438 & 5/10 feet; thence South 84*20' West 168 feet; making this the place of beginning; thence South 84*20' West 70 feet to a point; thence North 26

& 5/10 feet; thence North 84°20' East 70 feet; thence South 26 and 5/10 feet to the place of beginning; Containing in all 50/100 acres of land situated in the S ½ of SE ¼ of Section 17, Township 115, Range 25, Carver County, Minnesota.

Parcel B

Commencing at a point on East line of Section 17, Township 115, Range 25 which point is 70 feet North of the point of intersection of the North line of the right of way of the C.M. and St. P. Ry. Co. with said Section Line; thence running South 84° 20' West 183 feet; thence South 70 feet to said North line of said Railroad right of way; thence South 84° 21' West 57 feet along said right of way; thence North 181½ feet; thence North 84° 21' East 240 feet to Section line; thence South along Section line 111½ feet to place of beginning situated in SE½ of SE¼ Section 17 Township 115 Range 25 containing 70/100 acre of land, Carver County, Minnesota.

Parcel D

Commencing at a point on section line between Section Sixteen (16) and Section Seventeen (17), in Township One Hundred Fifteen (115) North of Range Twenty Five (25) West, said point being the North line of the Chicago, Milwaukee & St. Paul Railway Company right-of-way; thence running North along said section line Six Hundred Thirty Eight (638) feet, making this the place of beginning. Thence running West Two Hundred Thirty Six and Eighty Three/100 (236.83) feet to a point; Thence running North One Hundred Forty Eight and Five/10 (148.5) feet to a point; Thence running East Two Hundred Thirty Six and Eighty Three/100 (236.83) feet to a point on section line; Thence South on section line One Hundred Forty Eight and Five/10 (148.5) feet to a point, the same being the place of beginning aforesaid, excepting therefrom the following described tract: Commencing at a point 786.5 feet North and 33 feet West of the North right of way line of Chicago, Milwaukee, St. Paul and Pacific Railway Company where it intersects the section line between Sections 16 and 17, Township 115 North of Range 25 West, and running thence West 203.83 feet to a point; thence South 5 feet; thence East 203.83 feet to a point; thence North 5 feet to the place of beginning, Carver County, Minnesota.

Parcel E1

North half of the Southeast Quarter (N½ of N¼) of Section 17, and the North Half of the South Half of the Southeast Quarter (N½ of S½ of the SE¼) of Section 17, and the Northwest Quarter of the Southwest Quarter (NW¼ of SW¼) of Section 16, all in Township 115, Range 25 West, excepting therefrom the following described tracts and parcels of land, to-wit:

Exception 1. Beginning at the Northwest corner of the NW¼ of the SW¼ of Section 16, Twp. 115, Range 25, Carver Co. Minnesota; thence running South on the West line of said NW¼ of SW¼, 630 feet, thence East 200 feet; thence North parallel with the west line of said NW¼ of SW¼ 255 feet; thence due east 50 feet; thence north at right angles 375 feet to the north line of said NW¼ of SW¼, thence West on said North line 250 feet to the place of beginning.

Exception 2. Beginning at a point on the west line of the NW¼ of the SW¼ of Sec. 16, Twp. 115, Range 25, Carver County, Minnesota, 630 feet South of the Northwest corner of said NW¼ of SW¼, running thence east parallel with the north line of said NW¼ of SW¼ 200 feet, running thence south at right angles 125 feet; running thence west 200 feet to the west line of said NW¼ of SW¼, running thence north on said west line 125 feet to the place of beginning.

Exception 3. Beginning at a point on the East line of the SE¼ of Section 17-T 115- R 25 W, 887.8 feet North of the SE corner of said SE¼; thence running North along said East line of said SE¼, a distance of 316.0 feet; thence running South 89°-35½' West, a distance of 339.4 feet; thence running south 0°-45½' East, a distance of 150.0 feet; thence running South 30°-59½' West, a distance of 506.7 feet to the Northerly right-of-way line of the railroad; thence running Easterly along said right -of-way line (chord bearing North 87°-56½' East), a chord distance of 358.6 feet; thence running North 0°-15' East, a distance of 181.2 feet; thence running North 84° 17' East, a distance of 9.0 feet; thence running North 0°-15' East, a distance of 70.1 feet; thence running North 88°-35' East, a distance of 230.0 feet to the place of beginning. Said tract containing 4.37 acres, more or less. Excepting: that portion of the above-described tract now being used as a public road.

Excepting 4, Beg at a point 233' south of the quarter corner between Sections 16 and 17-115-25, running thence south on the section line a distance of 80' thence west at right angles a distance of 160.5' thence north at right angles a distance of 80' thence east at right angles a distance of 160.5' to the pt. of beg.

Exception 5. Beginning at a point 313 feet south of the quarter corner between Sec. 16 and 17-115-25 running thence south on sec. line a distance of 80 feet; thence west at right angles a distance of 160.5 feet; thence north at right angles a distance of 80 feet; thence east at right angles a distance of 160.5 feet to the point of beginning.

Exception 6. 0cm. at the Center post of Sec. 17-115-25 thence south along said center line to the North line of the right of way of Hastings and Dakota railway line about 122 rods; thence East three rods and six feet to a point; thence North parallel with the center line to North line of said SE¼; thence West three rods and six feet to place of be. Situated in W½ of SE¼ Se. 17-115-25 containing 2½ acres of land mor or less.

Exception 7 Commencing at a point 786.5 feet north and 33 feet west of the north right of way line Chicago, Milwaukee, St. Paul & Pacific Railway Company where it intersects the section line between sections 17-17-115-25 and running thence west 203.83 feet to a point; thence north 106.86 feet to a point, thence east 203.83 feet to a point, thence south 106.86 feet to the place of beginning, containing on half acre of land more or less.

Parcel E2

A tract of land in the South Half of the Southeast Quarter (S½ of SE¼) of Section 17, Township 115 North, Range 25 West, described as follows, to-wit: Commencing at the South section corner common to Section 17 and 17 in said Township and Range, and running northerly (North 00° 00'

West) along the section line between said Sections 16 and 17 for a distance of 653.0 feet to a point on said section line; thence deflecting left 95° 40' (South 84° 20' West) for a distance of 240 feet to an iron monument, said iron monument being at a fence corner and said iron monument being the place of beginning of this description; thence deflecting North 00° 00' West for a distance of 181.5 feet; thence deflecting North 84° 20' East for a distance of 9 feet; thence deflecting North 00° 00' West for a distance of 169.1 feet; thence deflecting North 00° 00' West for a distance of 226 feet more or less to a point on a line extending South 89° 10' West from a point on the east section line of Section 17, Township 115 North, Range 25 West, which point is 1206.5 feet North of the Southeast corner of Section 17; thence deflecting south 89° 10' West for a distance of 105 feet; thence deflecting South 00° 32' East for a distance of 150 feet; thence deflect-int South 31° 13' West for a distance of 506.8 feet; thence deflecting left and running in an easterly direction along the north railroad right of way and along a 1° 30' curve for a distance of 357.3 feet to the point of beginning.

It is the express purpose of this deed to correct the erroneous description of the premises described in that certain warranty deed executed and delivered by parties of the first part to party of the second part on November 22, 1954, which deed was filed for record in the office of the Register of Deeds for said Carver County on December 3, 1954, as Document No. 87174 in Book 57 of Deeds page 483.

Parcel E3

A tract of land located in the SE½ of SE¼ of Sec. 17-115-25 West described as follows, to-wit:

Commencing at the South Section. Corner common to Sections 16 and 17, Township 115, North, Range 25 West and running North along the Section line between said Sections 16 and 17 a distance of 1043.5 feet to a point on said Section line, said point being the place of beginning of this description; thence deflecting left 95° 40' and running Southwesterly a distance of 233.9 feet to a point in a fence line; thence deflecting right 95° 08' and running Northerly along said fence line a distance of 153.0 feet to a point; thence deflecting right 84° 52' and running 'Northeasterly a distance of 235.3 feet to a point on said Section line; thence deflecting right 95° 40' and running South along said Section line a distance of 153.0 feet to the place of beginning.

Exception to Parcel E - Legal Description

That part of the following described property:

The East Half of Southwest Quarter (E½ of SW¼), Section 17, Township 115, Range 25, excepting therefrom so much as heretofore deeded to Hastings and Dakota Railway Company as recorded Book "N" of Deeds, page 478; Also

Commencing at the center post of said Section 17, thence running South along said center line to North line of right-of-way of Hastings and Dakota Railway Company about 122 rods; thence East three (3) rods and six (6) feet to a point; thence North parallel to center line to North line of the

Southeast Quarter (SE $\frac{1}{4}$) of said Section 17; thence West three (3) rods and six (6) feet to place of beginning situated in the West half of Southeast Quarter (W $\frac{1}{2}$ of SE $\frac{1}{4}$) of said Section 17 and containing two and one half (2 $\frac{1}{2}$) acres more or less; Also

All that part of the South Half of South Half of Southeast Quarter (S $\frac{1}{2}$ of S $\frac{1}{2}$ of SE $\frac{1}{4}$) of said Section 17 lying South of the right-of-way of said Hastings and Dakota Railway Company excepting therefrom a piece heretofore sold to School District No. 58 and described as follows:

Commencing at the Southeast corner of said Section 17; thence running West seven (7) rods; thence North ten (10) rods; thence East seven (7) rods; thence South ten (10) rods to place of beginning; Excepting therefrom a strip, belt or piece of land, 100 feet wide extending across from the west side to the intersection of said strip of land with the Southerly line of the present right-of-way- of said railway as now located and operated over the Southeast Quarter of Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) containing 20/100 acres of Section 17, Township 115, Range 25. Hereby conveying a strip of land fifty (50) feet wide on each side of the center line of the Railway of said Company as now located and established across said land in 1912 for change of line.

Which lies westerly and southerly of Line A, easterly and southerly of Line B, and northerly of the northerly line of the aforementioned Railway right-of-way. Said Lines A and B described as follows:

Line A:

Commencing at the northeast corner of said Southwest Quarter; thence on an assumed bearing of North 89 degrees 22 minutes 00 seconds West, along the north line of said Southwest Quarter, a distance of 140.32 feet to the point of beginning of said Line A to be described; thence South 00 degrees 07 minutes 24 seconds East, a distance of 1539.02 feet; thence South 84 degrees 45 minutes 13 seconds East, a distance of 187.51 feet, more or less, to the east line of the aforementioned described property.

Line B:

Commencing at the northeast corner of said Southwest Quarter; thence on an assumed bearing of North 89 degrees 22 minutes 00 seconds West, along the north line of said Southwest Quarter, a distance of 206.33 feet to the point of beginning of said Line B to be described; thence South 00 degrees 07 minutes 24 seconds East, a distance of 1403.57 feet; thence North 88 degrees 05 minutes 19 seconds West, a distance of 157.34 feet; thence South 84 degrees 32 minutes 03 seconds West, a distance of 116.28 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 636.18 feet, more or less, to the northerly line of the aforementioned Railway right-of-way.

Schmitz Parcel:

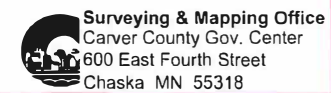
That part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, Township 115, Range 25, Carver County, Minnesota, described as follows:

Commencing at a point 781.5 feet North and 33 feet West of the North right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railway Co. where it intersects the section line between Sections 16 and 17, Township 115 North of Range 25 West and running thence West 203.83 feet to a point; thence North 111.86 feet to a point; thence East 203.83 feet to a point thence South 111.86 feet to the place of beginning according to the Government Survey thereof, Records of Carver County, Minnesota.

Abstract Property

(Legal description information provided by applicant)

S 1/2 SEC. 16, T.115, R.25



2-33

THIS IS NOT A LEGALLY RECORDED PLAT.
THIS MAP IS A COMPILATION OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.

S 1/2 SEC. 17, T.115, R.25

