

**RESOLUTION ADOPTING FINDINGS OF FACT FOR THE PROPOSED  
GRAIN TERMINAL FOR ARCHER DANIELS MIDLAND COMPANY AND  
DAVID AND LOUISE BROMENSCHENKEL**

**WHEREAS**, the Stearns County Planning Commission conducted a public hearing on the proposed conditional use permit on May 19, 2011, and adopted a motion recommending approval of the proposed grain terminal to the Stearns County Board of Commissioners by a unanimous vote; and

**WHEREAS**, during their May 24, 2011, meeting, the Stearns County Board of Commissioners adopted a motion to establish a public hearing date of June 21, 2011 to take testimony regarding the proposed conditional use permit; and

**WHEREAS**, the Stearns County Board of Commissioners is the final approval authority on conditional use permits for the County of Stearns; and

**WHEREAS**, it is the intent of the Stearns County Board of Commissioners to protect the public health, safety and welfare of County residents and the environment of the County.

**NOW, THEREFORE**, the Stearns County Board of Commissioners, after receiving and considering the Planning Commission and Joint Planning Board's recommendations, testimony from the public and staff of the Environmental Services Department regarding the conditional use permit for a grain terminal for Archer Daniels Midland Company and David and Louise Bromenschenkel, hereby approves the conditional use permit for a grain terminal and makes its Findings of Fact in support of the decision:

- A. The proposal is consistent with the Future Land Use Map-Urban Expansion and Metropolitan Area categories and the following goals and objectives of the Stearns County Comprehensive Plan, adopted March 4, 2008.

**Land Use Plan, Agriculture**

**Goal 1. Sustain agriculture as a desirable land use for the long term.**

Objective 1. Nurture and preserve a sound agricultural economy.

**Land Use Plan, Growth & Development**

**Goal 5. Use existing infrastructure and resources efficiently.**

Objective 1. Coordinate infrastructure expansion with development; and encourage development where the infrastructure is adequate to serve that growth.

**Economic Development Plan**

**Goal 1. Maintain and strengthen economic diversity.**

- Objective 1. Promote and retain agriculture in areas with highly valued agricultural land or economically viable animal agriculture operations.
- Objective 5. Enhance the regional role of the St. Cloud metropolitan area by strengthening economic connections between the metropolitan area and other Stearns County cities and towns.
- Objective 6. Provide for the continued viability of the rural small town as an agricultural service center and to provide opportunities for jobs and housing where consistent with infrastructure and natural resources carrying capacity.

**Goal 3. Strengthen and diversify the agricultural economy.**

- Objective 1. Strive for and support higher farm profitability and family farm stability, including encouraging creative agricultural diversification of crops and products, vertically integrated operations with direct access to local markets, and certified production that has a higher market value.
- Objective 2. Capture an increasing share of the opportunities for value-added agriculture in food manufacturing, bio-fuels, and the burgeoning industries utilizing agricultural products as a feedstock.
- Objective 3. Create opportunities for new investment in agricultural operations and support industries.

**Goal 4. Promote sustainable development initiatives.**

- Objective 2. Increase the value of Stearns County economic production by ensuring that operations sustain natural resources, increase the use of efficient modes of transport such as rail, and access local markets.

- B. The proposal is a conditional use permit in the Urban Expansion zoning district and, with the proposed conditions, is in harmony with the general purpose and intent of Stearns County Land Use and Zoning Ordinance #439, specifically with Sections 4.8, Criteria for Considering Conditional Use Permits; 6.5, Agriculturally Oriented Business Performance Standards; and 9.15.6 B, Urban Expansion Zoning District.
- C. The property is located within the Orderly Annexation Area (OAA) of the City of Waite Park and St. Joseph Township. On January 31, 2011 and March 28, 2011 the Joint Planning Board reviewed and recommended approval of the request.
- D. The property is compatible with present and future land uses in the area. The surrounding zoning is Urban Expansion which allows for a variety of land uses. The land located south of the subject property is zoned Industrial and includes businesses such as Anderson Trucking Service (trucking business), Cold Spring Granite (granite quarry) and a truck driving school. Directly north is a four hundred acre gravel pit owned and operated by Hardrives, Inc. The gravel pit is currently permitted to operate until the year 2035.

- E. There are three residential homes located along Bel Clare Drive. The road realignment will shift the road farther north, away from two of the three homes. There are approximately fifteen homes located southwest of the current intersection of Bel Clare Drive and Old Highway Road North. The closest residential home is located at the current intersection of 86<sup>th</sup> Avenue and Indigo Road. Modifying the curve on 86<sup>th</sup> Avenue for a 35 mph design curve will shift the road from this property which will reduce braking noise from truck traffic. A berm will be required in accordance with condition number eight to mitigate the affect of the proposed use.
- F. According to testimony from the County Assessor, it is premature to determine what affect this use may have on property values in this area. There is no evidence that the property values will increase or decrease. The County Assessor did contact other Counties where similar facilities are located and although the similar facilities were not located in an urbanizing area, there were not significant changes in property values.
- G. The proposal will have an impact to traffic generation therefore improvements will be made to State Highway 23, Bel Clare Drive, Indigo Road and 86<sup>th</sup> Avenue to accommodate the increase in truck traffic. The railroad crossing located on Indigo Road will also be upgraded. Minnesota Department of Transportation and the Township Engineer made recommendations on the road improvements necessary to mitigate the increase in truck traffic.
- H. The proposal will impact existing public services and facilities. State Highway 23, Bel Clare Drive, Indigo Road, 86<sup>th</sup> Avenue and the railroad crossing will all be improved as a result of this project. The cost of improving these public facilities is the responsibility of the applicant.
- I. The Board considered an alternative access to the site via Julep Road. The access as proposed by the applicant and approved by the Joint Planning Board and County Planning Commission is from Bel Clare Drive/Indigo Road which is the road that abuts the property. Between May 24<sup>th</sup> and June 21<sup>st</sup> the Julep Road alternative access option was pursued for purposes of discussion at the June 21st public hearing. The property does not directly abut Julep Road therefore ADM completed a land purchase analysis which indicates a total of 7.77 acres needed for acquisition (1.4 acres from Hardrives Inc. and 6.33 acres from Miller Companies). ADM met with Miller Companies on June 13th to discuss land purchase options. Land acquisition costs to purchase only the 6.33 acres were not feasible to pursue the alternate entrance route. Approximately 3.4 acres of additional wetland would be impacted if the Julep Road access was utilized and wetland impact for the project for the Indigo Road access has already been approved. St. Joseph Township submitted a letter stating that the Town Board prefers the Bel Clare Drive/Indigo Road access instead of Julep Road. The Waite Park City Council and Mayor reviewed the alternative access as it relates to possible impacts to Julep road, a City Street and possible impacts to future development in the area. The Council met on June 20<sup>th</sup> and their recommendations were presented by the Mayor and City Administrator at the public hearing and are incorporated as Exhibit B.

- J. A financial guarantee will be required to ensure proper completion of the stormwater plan and the Township road improvements.
- K. The applicants requested approval for Tax Increment Financing (TIF) for the Bel Clare Drive realignment. Consideration of the TIF District is a separate process from the Conditional Use Permit process and was acted on separately by the Board of Commissioners following the Conditional Use Permit public hearing.
- L. The potential impact to the general health, safety, welfare and environment will be addressed through the conditions placed on the permit, attached as Exhibit A.

Adopted by the Stearns County Board of Commissioners this 28th day of June 2011.

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Donald R. Otte, Chair  
Stearns County Board of Commissioners

ATTEST:

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Randy R. Schreifels  
Stearns County Auditor-Treasurer  
Clerk  
Stearns County Board of Commissioners

## *Exhibit A* *Conditions*

1. A permit from the Sauk River Watershed District shall be obtained for crossing Ditch #13.
2. Improvements shall be made to State Highway 23 as required by the Minnesota Department of Transportation. Said improvements shall be completed prior to commencing operation. A permit from the Minnesota Department of Transportation is required for any work within the right-of-way of State Highway 23.
3. No outdoor storage of grain is allowed.
4. Access roads and parking shall be improved with a durable and dustless surface and maintained accordingly. Both access roads shall be paved at a minimum distance of 150 feet from Indigo Road. Said improvement shall be completed prior to commencing operation.
5. A 20 foot landscape buffer shall be provided along the north property line for a distance of approximately 1200 feet. The screening needs to provide a minimum year round opaqueness of 80% at the time of maturity. The composition of planting materials shall include deciduous trees, coniferous trees and shrubs. A minimum of 30% of the trees planted shall be coniferous and 25% deciduous. The remaining plantings to consist of other shrubs and trees. Said buffer shall be planted prior to commencing operation.
6. One advertising sign not to exceed thirty two square feet (32ft<sup>2</sup>) in area per surface is allowed. No sign shall be constructed as to have more than two surfaces. The sign shall meet all applicable performance standards in Section 7.24 of Stearns County Land Use and Zoning Ordinance #439.
7. Lights shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of an observer standing at a point five feet above grade on the lot line abutting a transitional yard or at any location on residential ~~zoned~~ property. All luminaries located on private property shall be designed or positioned so that the maximum illumination at the property line shall not exceed one half (1/2) foot candle.
8. Hours of operation are limited to the following:
  - i. Truck traffic/receiving grain:
    - i. 7am-5pm Monday-Friday (non-harvest- January through August)
    - ii. 7am-9pm Monday-Saturday (harvest- September through December)
    - iii. 11am-7pm Sundays (harvest- September through December) with no more than 8 Sundays
  - ii. There will not be restrictions on grain drying provided the State Noise standard is not exceeded.  
~~24 hours a day during harvest months (September through December)~~
9. Hazard monitoring equipment and a fire prevention plan shall be acceptable by the St. Joseph Fire Department. Said approval shall be obtained prior to commencing operation.
10. Bel Clare Drive, Indigo Road, and 86<sup>th</sup> Avenue shall be improved as set forth in

- the SEH feasibility report dated and approved by St. Joseph Township on April 11, 2011 utilizing Option 1, “Alternate Alignment Through ATS Property” along with the improvements listed below. The Board of Commissioners is requesting that the Township modify the plan to maintain and not obliterate the existing portion of Bel Clare Drive as a Township Road in order to separate truck traffic from residential traffic. A financial guarantee acceptable to the Department in the form of a letter of credit or cash escrow payable to Stearns County or St. Joseph Township in the amount of 125% of the estimated cost of improvements shall be required. Said improvements shall be completed prior to commencing operation.
- i. Reclaim the existing bituminous pavements
  - ii. Build a 40 foot wide rural section roadway from Highway 23 to County Road 138
  - iii. Salvage roadway millings and aggregate base for use in widening the roadway to 40 feet
  - iv. 10-ton structural pavement
  - v. Modify the curve on 86<sup>th</sup> Avenue for a 35 mph design curve
  - vi. Construct larger radii at the intersection of Bel Clare Drive and Old Highway Road North to facilitate truck turning movements
  - vii. Right turn lane on Bel Clare Drive at the intersection of State Highway 23
  - viii. Railroad crossing improvements including crossing arms
11. Entrances to the property shall be gated when the facility is not receiving grain.
  12. No parking signs shall be required along Indigo Road and 86<sup>th</sup> Avenue at spacing required by the Township Board. Signs shall be installed prior to commencing operation.
  13. Northern Lines or Burlington Northern Santa Fe (BNSF) shall notify Stearns County Sheriff’s Department Dispatch Center each time the train will be moving through St. Cloud and Waite Park. In the event of an emergency, Dispatch Center will notify emergency personnel to take alternative routes.
  14. An approved stormwater plan is required. A financial guarantee in the form of a letter of credit or cash escrow payable to Stearns County in the amount of 125% of the estimated cost of the stormwater facilities shall be required.
  15. Wetland replacement shall be done in accordance with the approved wetland replacement plan.
  16. An air emission permit shall be obtained from Minnesota Pollution Control Agency in accordance with Minnesota Rules, chapter 7007 or successor Rules.
  17. The statewide noise standard is set forth in Minnesota Rules, chapter 7030 or successor rules. These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare.
  18. A signed agreement with the Terra O’Neil and Lynn Reichert for construction of an earthen berm and driveway relocation is required. Said agreement must contain provisions related to construction of the berm and driveway and will be subject to minor changes based on the final road design. The berm shall be installed prior to commencing operation. If an agreement cannot be reached between the two parties, a berm acceptable to the Department will be required to

- be constructed on ADM's property.
19. Encourage St. Joseph Township to explore adopting a jake breaking ordinance.

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