

LYNDEN TOWNSHIP
STEARNS COUNTY
PUBLIC HEARING – CONDITIONAL USE PERMIT
GERALD FOLEY (JERRY'S TOWING AND REPAIR)
JULY 25, 2017

Those present were Supervisors Anne Ackerman, Jerry Finch, Dave Johnson and Clerk Jenny Schmidt. Chair Ackerman opened the meeting at 7:00 p.m. and opened the hearing for public comment.

The purpose of tonight's meeting is to consider a Conditional Use Permit (CUP) application submitted for an outdoor vehicle sales lot and a towing and impound business at 20026 Empire Road. A Conditional Use Permit is required according to Sections 9.11.5L & 9.11.5V and subject to the performance standards listed in Section 6.44 and Section 7 of Stearns County Zoning Ordinance #439 adopted by reference as Lynden Township Ordinance #7. The subject property is PID #19.10600.0022 described as Lot 1 Block 3 of Clearview Terrace, Section 34, Township 123, Range 27 and PID #19.10224.0024 described as part of NW4NE4, Section 3, Township 122, Range 27.

It was noted that the Planning Commission performed a site visit on July 10 but had questions about the proximity of the proposed impound lot to the shoreland of the Clearwater River and did not finalize findings of fact. The Planning Commission and the Board met on July 24 to review the application and proposed findings of fact. At that meeting the planning commission recommended approval of the application with conditions. A Stearns County Environmental Services (SCES) representative was present at the meeting and SCES proposed a list of conditions for consideration.

Applicant Jerry Foley was present at tonight's public hearing and indicated no more than ten (10) vehicles for sale will be on the lot at any one time. He said fencing is currently under construction and he is aware of the screening requirements. Foley plans to add Class 5 to the impound lot area and does not intend to place a liner under the material. He stated that damaged vehicles will be drained of fluids before placement in the impound lot. Used oil is burned, other waste such as anti-freeze and filters are disposed of by East Side Oil. Batteries are picked up by Interstate. It was noted that Foley does not hold a hazardous materials generators license. Foley is aware of the County's requirement that all activity must be located outside the shoreland and floodplain overlay areas unless additional permits are obtained.

Josh Gladis who resides at 2312 200th St. E. questioned the appearance and the structural integrity of the fencing that is currently under construction. Neighboring business owners Dale Mathison and Ray Hogrefe stated the industrial community is concerned about keeping all the properties looking attractive and questioned the environmental impact on the river if waste is not controlled. Keith Franklin of Franklin Advertising noted his recent investment in landscaping to continue to improve the appearance of his business. He questioned the fencing standards and whether used material is acceptable. Planning Commission member Todd Voigt requested the Board review the fencing, waste, and vehicle parking. Supervisor Dave Johnson stated he also received a call from a Clearwater Township resident concerned about the appearance of the fencing.

Clerk Schmidt received correspondence including an email from Josh Gladis who was present. A written letter from Jim and Karen Boucher was received and read in to the record. The letter expressed concerns about fencing, scrap cars, fuel and oil disposal, and possible runoff into the Clearwater River.

Ackerman made a motion to close the public hearing, seconded by Finch, all in favor, motion passed.

Ackerman reviewed the Joint Findings of Fact for the proposed CUP. After discussion, the findings of fact were finalized and potential conditions were reviewed and modified.

The Board is considering attaching the following conditions:

1. That the use shall comply with all applicable Federal State & County laws statutes and ordinances, and all applicable performance standards including Section 6.44, Section 6.46 and Section 7 of Stearns County Zoning Ordinance #439 adopted by reference in Lynden Township Ordinance #7 and the more restrictive sign standards in Lynden Township Ordinance #7; and
2. That no more than ten (10) vehicles will be available for sale at any time; and
3. That all vehicles for sale will be parked only on asphalt surfaces and only in the designated display area along the frontage of Interstate 94 noted on the site map entitled Exhibit A; and
4. That no business of any type will be conducted and no vehicles or other items will be placed in the shoreland of the Clearwater River at any time as delineated in Exhibit A; and
5. That no vehicles will be parked on grass surfaces at any time; and
6. That no unscreened outdoor storage of any type will be allowed; and
7. That the impound lot area shall meet required setbacks, shall be fenced and is limited to the area noted in Exhibit A; and
8. That any existing vehicles parked along the Clearwater River shall be removed and nothing may be parked or stored outside of the fenced area on PID #19.10224.0024; and
9. That fencing shall meet all the standards in Section 7.23 of Stearns County Ordinance #439 and all applicable sections of the Minnesota Building Code; and
10. That fencing shall be constructed with all new materials and shall not be dented or otherwise in a state of disrepair; and
11. That fencing materials shall be uniform in color; and
12. That existing fencing material with dents or of varied colors shall be removed and replaced by September 1, 2017; and
13. That vegetative screening consisting of lilac, dogwood, ninebark or similar fast-growing screening shrubbery as approved by the Township Board shall be planted at a rate of one (1) plant every ten (10) linear feet along the impound lot fence on the 200th St., Empire Road, and

Clearwater River sides. Plants shall be at least two (2) feet in height at the time of planting and planting shall be completed by September 1, 2017. Any plant materials that do not survive shall be replaced in the current or next growing season.

14. That eight (8) inches of compacted Class 5 gravel or similar material shall be added to the fenced impound lot; and
15. That no more than one (1) acre of soil will be disturbed; and
16. That no more than one (1) acre of new impervious surface will be created; and
17. That vehicles brought on to or stored on the property shall be properly handled to prevent any fluid leakage and wrecked vehicles shall be drained of all fluids before placement into the impound lot; and
18. That proof shall be provided via the Lynden Township Building Official that the requirements of the Minnesota Building Code including the handicapped accessibility standards and the requirements of the Minnesota Fire Code have been met; and
19. That if any activity falls under the requirements of the MPCA / NPDES Industrial Stormwater Permit, proof of permit application or written proof that a permit is not required shall be provided to the Lynden Township Clerk; and
20. That any violations or citations related to the sales of used vehicles or MPCA requirements shall be reported to the Lynden Township Clerk; and
21. That the Lynden Township Clerk shall be provided with a copy of the Motor Vehicle Sales License, a copy of the Minnesota Tax Identification Number and proof of Minnesota Business Registration from the Minnesota Department of Revenue.

Johnson requested an additional condition for a hazardous materials handling plan or an environmental management plan to ensure there is no drainage to the river and the environment is protected. Discussion was held on this issue.

Finch made a motion to defer the decision on this CUP until August 7th which is our next regularly scheduled monthly meeting, seconded by Johnson, all in favor, motion passed.

Ackerman made a motion to adjourn the meeting, seconded by Johnson, all in favor, motion passed. Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Jenny Schmidt, Clerk

Anne Ackerman, Chair