

LYNDEN TOWNSHIP
PUBLIC HEARING – CONDITIONAL USE PERMIT
NEWPORT SALES, LLC
OCTOBER 28, 2024

Those present were Supervisors Tom Plaggerman, Scott O’Konek, Jaime Schultz-Ludenia, Clerk Jenny Schmidt and Planning Administrator James Kantor. Chair Plaggerman opened the meeting at 6:03 p.m., led the pledge of allegiance and opened the public hearing.

The purpose of tonight’s meeting is to consider a Conditional Use Permit (CUP) application submitted by NewPort Sales, LLC, for an outdoor sales lot. A CUP is required according to Sections 9.11.5 (L & U) and subject to the performance standards listed in Section 6.46 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, with a property address of 20026 Empire Rd, Clearwater, MN 55320.

Joshua Milless is present and requests he be allowed to amend his application to:

- 1: add PID #19.10224.0024,
- 2: update the acreage from 2.9 acres to 5.56 acres and
- 3: include a more descriptive map of the lot area for sales

The ownership operating agreements for the properties were provided to the clerk. He intends to have an outdoor sales lot for up to 40 semi-trailers and 35 semi-trucks. He understands the SCES requirement of being 300 feet from shoreline and is aware of the 60/40 impervious rules. He does not intend to do motor vehicle repair or maintenance.

Plaggerman makes a motion to allow applicant Milless to amend his application as stated since the posting did include both PIDs, seconded by O’Konek, all in favor, motion passed.

The Planning Commission reviewed the application, conducted a site visit on October 21, formulated their Findings of Fact with conditions, and recommended approval as set out in their minutes.

Clerk Schmidt received correspondence from Stearns County Environmental Services requesting a site plan showing the proposed sales lot with the shoreland overlay. If any of the outdoor sales lot, semi or trailer parking will be within 300 feet of shoreland, then a CUP from Stearns County is required. SCES also requested that ample parking be provided as one space is not enough. No other correspondence was received.

Plaggerman made a motion to close the public input portion of the public hearing at 6:20 p.m., seconded by O’Konek, all in favor, motion passed.

The Board reviewed the Planning Commission’s (PC) Findings of Fact for the proposed CUP. Plaggerman made a motion adopt the PC’s Finding of Fact as the Board’s findings, seconded by Schultz-Ludenia, all in favor, motion passed. The Board’s Findings of Fact are held within a separate document. Discussions were held on the conditions.

Plaggerman made a motion to approve conditional use permit 24-01 for PID #19.10600.0022 and PID #19.10224.0024 to allow an outdoor sales lot with the conditions described below, seconded by Schultz-Ludenia, all in favor, motion passed. The conditions are:

1. That the use shall comply with all applicable Federal State & County laws statutes and ordinances, and all applicable performance standards including Section 6.46, Section 6.48 and Section 7 of Stearns County Zoning Ordinance #439 adopted by reference in Lynden Township Ordinance #7 and the more restrictive standards in Lynden Township Ordinance #7; and
2. That all vehicles for sale will be parked only on impervious surfaces and only in the designated display area per the map in the application; and
3. 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 shoreland overlay area; and
4. That no vehicles will be parked on grass surfaces at any time; and
5. That no unscreened outdoor storage of any type will be allowed; and
6. That fencing shall meet all the standards in Section 7.12 of Stearns County Ordinance #439 and all applicable sections of the Minnesota Building Code; and
7. That fencing shall remain constructed and shall not be dented or otherwise in a state of disrepair; and
8. That fencing materials shall be uniform in color; and
9. That no more than one (1) acre of soil will be disturbed; and
10. That no more than one (1) acre of impervious surface will be created without a Stormwater Management Plan; and
11. That vehicles brought on to or stored on the property shall be properly handled to prevent any fluid leakage; and
12. That proof shall be provided via the Lynden Township 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
13. 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

14. That any violations or citations related to the sales of used vehicles or MPCA requirements shall be reported to the Lynden Township Clerk; and
15. That the Lynden Township Clerk shall be provided with a copy of the valid Motor Vehicle Sales License annually, a copy of the Minnesota Tax Identification Number and proof of Minnesota Business Registration from the Minnesota Department of Revenue.
16. Spaces allocated for retail sales shall be limited not to exceed forty (40) semi-trailers 53 feet or less; and limited to the retail sale spaces of thirty-five (35) semi-trucks.
17. Per Stearns County Zoning Ordinance 439, Section 6.47 1b, if business land use changes any applicable county and township ordinances must be followed.

Plaggerman made a motion to adjourn the meeting, seconded by O'Konek, all in favor, motion passed. Meeting adjourned at 7:42 p.m. Clerk can now issue the MN Vehicle Dealers License Zoning Verification for PID 19.10600.0022, 19.10224.0024, 19.100600.0003 and 19.10600.0004.

Respectfully submitted,

Jenny Schmidt, Clerk

Tom Plaggerman, Chair