

PORT SHELDON TOWNSHIP PLANNING COMMISSION MINUTES

December 14, 2011

PRESENT: Frantom, Monhollon, Petroelje, Souter, Stump, VanMalsen

ABSENT: Jones

STAFF/ OTHERS PRESENT: Wayne Oosterink, Andy Moore, Township Attorney Rodney Schermer and court reporter Rebecca S. Renzema.

Souter called the meeting to order at 6:05 p.m.

Motion by Petroelje to approve the minutes of the October 26, 2011 meeting, supported by Frantom and carried.

Souter stated that the agenda order would be changed to allow the shorter items to be addressed first. He further stated that the public comments portion would be done in an orderly fashion with a 3 minute per person time limit.

NEW BUSINESS:

1. Request of Jack DeWilde for a one year extension to complete the requirements of the site plan approval to operate a pattern making facility on parcel 70-11-12-400-027 (8345 West Olive Road) that was granted June 23, 2010. Mr. DeWilde spoke about what still needs to be done; and that all items should be finished by June 23, 2012. The building has been completed and final inspected, grading is done and the road commission has granted him a one year extension to finish the approach. Oosterink suggested a bond be required for paving of the driveway and turnaround. Applicant stated he did not want to tie up money in a bond. Oosterink said his hands are tied; if the building is occupied without final approval he would have to issue a citation. **Motion by Petroelje to approve the extension until June 23, 2012 with a \$2000.00 bond held to insure completion by that date, supported by VanMalsen and carried.**
2. Request of Jerry Lundberg of Spring Lake Storage LLC for special use approval to make changes to the existing storage buildings facility at 14707 Taylor Street, parcel 70-11-01-400-012. Applicant explained that he wants to upgrade the facility with lights and a security gate now, fencing later. If it goes well, he plans to expand. Oosterink advised that a public hearing is required and the applicant will be out of town at the next regularly scheduled meeting and is willing to pay for a special meeting. **Motion by VanMalsen to hold a public hearing on Wednesday January 4, 2012 at 7:00 p.m. to consider the request of Jerry Lundberg of Spring Lake Storage LLC for special use approval to make changes to the existing storage buildings facility at 14707 Taylor Street on parcel 70-11-01-400-027, supported by Frantom and carried.**

PUBLIC COMMENTS:

At this time Chairman Souter stated that the commission would now receive public comments. He stated that a public hearing on the migrant housing issue was held in August and public comments were received at that time after which the public hearing was closed, the commission tabled the issue and asked the zoning board of appeals for a definition of the "the farm". He then read the determination of the zoning board of appeals. He reiterated that the commission would now receive comments from the audience, any comments on any subject and that speakers who wish to comment could come to the microphone, state their name and address and speak for 3 minutes. Planner Moore clarified that comments would be received on any topic at this time, and that it would be the only time for public comments. Speakers and a synopsis of their comments are following and all concerned the migrant housing issue.

1. Jerry Graves- stating he could give a synopsis for many of us here. Souter interjected that he would still be limited to 3 minutes. Graves described the property that borders the private road he lives on, that the lot has been cleared; there is a 3 bedroom, 2 bath, manufactured home in bad shape. What Mr. Nelson wants to do is a big concern, there is a train track next to the property and migrants may travel illegally on the train. He feels they deserve an answer to their concerns.

There are no records of people who reside there, cannot be looked up on the sex offender registry. He showed a packet of information with photos and a list of 27 names and their concerns. Souter asked him to pass it out, but Graves said he didn't have enough for everyone.

2. Lila DeWilde- introduced her two teenage daughters. Stated that she is horrified, does not want that many young guys unsupervised, who is checking how many there are? The state does not. With 25 single transient young men next door, she is worried about safety. Feels that the residents have no rights, no one will be policing, and they are not normal neighbors. We have no rights; he (Mr. Nelson) has all the rights. We have lived here 20 years, safe; don't lock the doors, this will change now. We did not move in next to a blueberry farm. Would you leave your blonde teenage girls home alone on a weekend?

3. Brad Burrows- stated he agrees 100 percent w/Lila. He has a daughter and two boys who stay home alone. We would be destroying this. We have an opportunity to have common sense and prevent this. The greater neighborhood is 100% against this, the 3 homes on Pineline Drive will be most impacted, there are not trees, we can see it. We emphatically ask that you reject this. If you are legally bound, we ask for conditions such as an opaque privacy fence to prevent them and us from view. He fears for property values, wants a list of who lives there so he can do background checks, a supervisor who is responsible for their actions, paved parking, low lighting; this is not a complete list of mitigating features, but a list to get started.

4. Roberto Jara- Stated he is the son of migrant workers has to speak up, is dumbfounded that all migrants are being represented as rapists, murderers. Is insulted by talk that "blonde daughters" are not safe. It is bigotry to label the whole Hispanic community if there is one crime, not the same if a white neighbor molests a child it's not thought of the same. It is fair to check i.d.'s and backgrounds. He asked that a sensible decision not be based on hysteria.

5. Scott Beute - agreed with many of the things said so far, does not feel it's hysterical; the neighbors have good reasons, legitimate concerns.

6. Karen VanderHeide – is a home day care provider, worried about safety of children, has Hispanic friends, her parents live by migrants, and every year their houses are broken into when it's time the migrants are ready to leave. She expressed concern that it will affect her day care business; parents won't want to bring children there.

7. Jeff Underwood - lives on the other side of the river, but agrees with many of the previous statements. He feels it's not a color issue, or Hispanic issue, but a legal issue. Many are here illegally, asked how we are guaranteed they are legal. If here illegally, they have no regard for the law, so they would break other laws as well.

8. Tino Reyes – lives on James St. in Park Twp, asked please do not let it become a matter of race, Showed newspaper clipping that was placed in mailboxes in the subject area. He is an ex-migrant, has settled here, and is committed and involved. He understands the concerns, but someone needs to have a clear mind. Holland is 30% Hispanic. Agriculture is the 2nd largest industry in Michigan, someone has to pick the crops, and they have to live somewhere; that needs to be kept in mind.

9. Kelsey Holsinger, works with migrant people, expressed her frustration to read these characterizations of people that does not reflect the true nature of the people but an idea about the people. She stated that if she moved into this neighborhood the neighbors do not have a right to run a background check on her, or have a list of who lives in her house.

10. Steve Kamphuis, owns and operates a blueberry farm, has migrant camp for 26 years housing up to 21 workers. The only incident he's ever had is a medical emergency when a worker had a heart attack. 125-150 people per season are hired at the harvest time. He has never had anything stolen. People live on the farm, an 8 page document is required for that and the hiring agreement is a 12 page document. The workers are documented and he has the documentation in his office. He stated migrants get a bad rap, his business wouldn't exist otherwise, they are the hardest working people he knows, not fair to throw them all in a pot saying they're bad. There are bad people in each race.

11. Manuel of 15746 Taylor Street – stated we live very isolated lives. We don't have the right to check people to see if they are legal, have green cards etc. That's for law enforcement folks not for private citizens to persecute other private citizens. We have sex offenders in the township, most of them are white. I have girls, I watch them, I watch everyone, not just migrants. He thanked Mr. Nelson for bringing economic activity to the township. He also commented on the issue of Mr. DeWilde's special use extension, that DeWilde is trying to start economic activity and the township is a barrier, and asked the commission to reconsider the bond.

12. Dan Shaw- lives across the street from this property. 6 ethnic groups work for him; he has Hispanic supervisors and has lived in TX near the Mexico border. The migrants are hard working. He built his house in 1986 and likes living there, has kids and grandkids. He's worried about house value and being next door to temporary housing, residential area, how it would look. He handed out photos of other temporary housing in our community, mattresses stacked up in the front windows; shingles not there fears it devalues his home. Mr. Nelson is trying to expand his business, that's fine, but needs to be controlled.

13. Kathleen O'Brien, Ottawa House Dr, Sheldon Dunes – received the flyer in her mailbox as did neighbors, finds it offensive, very racial, she lives in white wealthy neighborhood, police have been to her neighbors for shoplifting, abuse, and teenagers in trouble in her neighborhood too. Reiterated she is very offended by the article.

14. Mark Jones – Received flyer in mailbox, thinks it was racist and promotes fear mongering, stereotyping and racial profiling.

15. Sara Selgara, Stated she is the program director for the Lakeshore Ethnic Diversity Alliance. She has experience working with migrant population that is completely opposite of the message in the flyer. They come here to work hard, and provide for their families. The diversity alliance has a program to match up mentors with migrant children, she hears from the mentors how they are enriched as well. We should foster a community that welcomes migrant workers.

16. Gail Harrison – Received flyer also, her experience of living next to migrant camp for 26 years, single mom with 2 young daughters had nothing but positive experiences, no violence, no degradation of property.

7. Scott Gold – has been meeting with the neighbors about this. Stated it's not about racism, but safety, and traffic. Asked the commission to do the right thing.

18. Rodrigo Miquel – is a teacher at Christian high school in Holland and teaches Spanish at area college. Tries to teach students not to judge neighbors by the color of their skin, hair or their language.

19. Carlos Garcia – is an Extension educator for blueberry industry. Has masters and Phd from MSU. Provides assistance to Mr. Nelson. People come to migrant camps verified. There is a \$5000.00 fine if illegal, 3rd time they go to jail. It is a misconception that migrants are illegals. We are #1 blueberry producer.

20. Amy Otis – Degrau from Park Township. Heard about the flyers out in the community, says it is out of fear. Challenges neighbors to have hospitality, reach out, get to know them, also challenges the planning commission to be aware of housing, not to allow less than any of us would want to live in.

21. Brad Burrows – asked to clarify something. Stated he did not get the flyer, does not know where it came from. Says it's not a racial issue. It's about the transient nature of it; I would have same concerns if this was a campground.

Souter- states he is closing the hearing.

Mr. Graves- stated he represents 27 families and asked why he is not allowed to make a last comment. He then proceeded to say he has been to every meeting, and is more involved than anyone. He feels that this is against us. Nobody on this side has ever referred to a Mexican, a Hispanic.

Souter- states again, we're shutting this down.

Graves - continues to speak, Souter states that part of the comment is over. We are going to start debating this particular issue.

Oosterink- asked to make it clear that the only future comments from the audience will be to answer direct questions from the commission.

Souter- states that if the commission asks for an answer, they can ask anybody in the audience, but we are not taking any more comments. Souter asks Planner Moore to go over his memo on this subject.

Attorney Schermer- suggests a recess.

Souter- calls a brief recess.

When meeting reconvened Souter asked Planner Moore more to take over and go through his memo, basically a list of the criteria that the commission needs to look at when making a decision. **See Moore's memo attached.**

Moore turns the meeting back over to Chairman Souter. Souter asks if there are any questions from the commissioners. Souter states he is surprised about size, character and the request for workers until November 15th. Originally the request was until September 15. Parking should be one car per person. Does anyone else have questions?

Oosterink asks about the size of the home, in July it was 1700 sq. feet. The drawing indicates 30' x 70'. Souter asks Nelson who states the bldg. size is 30' x 70', Oosterink reiterates, 30' x 70'. There is talk about the roof, and the fact that it is a modular etc. and the square footage. Oosterink states the floor plan is not accurate and after discussion how to measure square footage and what is excluded from square footage, Souter states that commission needs to know for sure the square footage.

Souter then asks Nelson about how many workers are needed. Nelson responded that he has as many as 75 workers, and needs workers he can rely on. Providing housing give assurance they will come to work every day. The workers who live elsewhere decide where to work based on the picking conditions and pay. If they live on my property, I can say you work for me. That is the purpose. Souter asks if Nelson has 20 workers can he keep them working all the time. Nelson responds yes, during the season. Souter asks about the length of time Nelson has requested, until November 15. Nelson explains late varieties and the latest he's harvested berries is October 20, and giving a cushion by asking for workers until November 15. Monhollon asks if Nelson does all handpicking. Nelson responds 90% is handpicked. Van Malsen asks about farmers leasing property. Nelson responds that he does lease some property, but it is not in Port Sheldon. Van Malsen wants to know if a lease is the same as ownership. Schermer states that farmers can lease property and the commission may want to consider that; since a farmer can lease and add to his farm, the commission may not want to limit a special use to only the properties currently owned. Schermer clarifies to Van Malsen that he would not recommend limiting a special use to only the two properties Mr. Nelson currently farms. Van Malsen asks Nelson if he employees people to prune in the fall. Nelson responds he has 5 workers pruning, he has 3 to 5 workers until snow flies, they are not migrant workers because they cannot live in the house before the State has inspected it. Oosterink asks if the house has to be heated if he has workers there until November 15. Nelson responds that yes he will have heat.

Souter states the next item to discuss is if alternate migrant housing is available in the area. Asks Nelson if he is still having problems getting enough workers with the number of migrant camps in the surrounding area, Nelson responds yes, everybody is short. Nelson says he plans to put in a gravel driveway this spring. Souter asks if other commissioners have questions, have not discussed lighting yet. Nelson states he plans one mercury vapor light on the south side of the house, below the level of the house to block the light from the neighbors.

Souter brings up buffering issue; fence, evergreens, shrubs etc. Nelson states he has 18 inch deer fence on the west half. If the deer go over it, he may put up an 8 foot fence for crop protection. The current fence is electric. Van Malsen states that an 8 foot high privacy fence would go a long way to appease neighbor concerns and asks if the commission wants to discuss that. Monhollon states he is concerned about property values, and a good neighbor would want to give these people, (a fence) on the west side where it's open to the neighbors.

Oosterink says he's concerned about the cars parking behind the house and the car lights shining in the neighbors' houses. After much discussion of types of buffering, costs etc. Oosterink brought up the parking issue. Oosterink states that 38 cars seems like a lot, however when workers come in from other places, I've seen 75 to 100 workers in the field during harvest. It's not like there will be 38 cars there every day, but during the picking. Petroelje states he misunderstood then, thinking 38 cars would be permanently parked on site. Souter stated that Mr. Nelson said some workers have 2 or 3 cars. I don't think we need more than one car per person for parking. Petroelje suggested a limit of one car per person living at the dwelling.

Souter, asks about signs, stated he's not concerned about signs. Van Malsen asked if they plan to put up signs, Souter responded yes.

Souter brought up storm drainage, water, garbage, and sanitary waste disposal. Asks Moore if the county or state regulates that. Moore responds that the county regulates well and septic, and other is State. Frantom asks about a floor plan for the restroom in the accessory building, the size etc. Oosterink responds we'd like to see something on that.

Souter begins discussion of Moore's recommendations. Souter thinks 12 workers are too many for the size of house/bedrooms. Much discussion about square footage.

Souter asks Nelson if he first asked for end date of September 15, then changed to November 15. Nelson says if he asked for Sept 15, it was wrong. Souter asks farmer in audience the latest date he's picked, answer is October 20. Total time period for housing would be more like 15 or 16 weeks instead of 10.

Souter states special use shall run with the land and be subject to review, and I think it's absolutely necessary to review it. The rest of the items I want the fire and county health departments to review. Also, we should have a condition that beds aren't thrown in the basement for additional people. Stump asks if lighting should be addressed. Van Malsen thinks planting for screening should be done immediately. Stump brings up paving rather than gravel, Oosterink states that Pinline Dr. does not have to be paved. Stump asks about laundry, not shown where. Van Malsen says a realistic floor plan is needed, Nelson responds he can provide that. Souter asks Nelson if he has a copy of Moore's memo, as there is information in there that Nelson needs to provide to the commission.

Petroelje has question about supervision, i.e. crew leader etc. Commission wants a go-to person responsible for the house. Nelson says his crew leader lives in Holland but that he can have someone supervise this house.

Souter asks Nelson if it is a family living in the migrant housing he has on his other property. Nelson responds yes, Souter asks if he can have them switch, the family live in this proposed migrant housing and the men live on the other farm. Nelson responds that his other farm can house only 8 people, and that the same family has lived there for 30 years, and would not move and the commission would be putting him in the position of demanding they move. Souter asks Nelson to think about it.

Souter asks for a motion to table this issue until more information on the house is available. **Motion by Petroelje to table the request for Special Use from Carl Nelson to house migratory workers in a dwelling at 9021 160th Avenue, parcel 70-11-03-400-014, until the January meeting, supported by Monhollon and carried.**

Meeting adjourned at 8:50 p.m.

Lori Stump Secretary