TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Torch Lake Township

Planning Commission Public Hearing

and Regular Meeting

A-Ga-Ming Golf Course

APPROVED Minutes WITH CORRECTIONS 6-0

August 11, 2020

**Present:**  Kulka, Carleton, Stridiron, Shoemaker, Petersen, Jorgensen, Hawkins

**Absent:**

**Others:**    Graber

**Audience:**  11

**Recording Secretary:** J. Petersen

**1.**    **Call to Order Regular Meeting:**

Kulka announced Stridiron will be leading the meeting as a means for training. MEETING CALLLED TO ORDER AT 7:11 BY KULKA

**2. Call to Order Public Hearing**

Public Hearing called to order by Stridiron at 7:12pm

**3.** **Summarization of Procedures and Rules**

Stridiron summarized the procedures and rules of the public hearing

**4. Public Hearing on proposed zoning ordinance Chapter 6 - Agriculture - Mobile Homes**

Stridiron called for any correspondence received by the township to be read into the meeting minutes.

Carleton read letters received

1. Andy Kampwrote in support of the ordinance amendment as published in /draft version 2; 7.16.20
2. Brian Altonen wrote in support of the ordinance amendment as published in draft version 2; 7.16.20
3. Dorrance Amos wrote in support of the ordinance amendment as published in draft version 2; 7.16.20 with the exception of limiting the number of units and the ability to keep the homes if property is sold in the future to farmers.
4. Kevin and Karen Bargy wrote in support of the ordinance amendment as published in draft version 2; 7.16.20 with the exception of the mandated removal of the housing upon the sale of the farm.

Stridiron read the Notice of Public Hearing; proposed ordinance draft version 2; 7.16.20 as written, as well as proposed changes to Chapter 23 definitions and called for public comment.

1. Tom Petersen - township resident spoke in support of the proposed ordinance amendment, stating if sale of property occurs to another farming operation that the housing may be permitted to stay as is. Petersen stated the community needs farmers and it should be up to the Zoning Administrator at the time of sale to determine if it is a farm to farm sale.
2. Marilyn Rutledge - township resident asked how many people per unit; Stridiron replied 100sq ft/individual; 70x14 = 9.8; Jim King stated that 100sq ft is not based on the entire home, only bedroom square footage and would be less than 9.8 per unit. Rutledge asked who determines where it can be placed on the farmer’s land. Petersen (Bill) stated the Health Dept, Township Zoning and the Michigan Farm Labor Program approve the site. Next Rutledge spoke in objection to the ordinance amendment, stating she lives across the highway from the proposed site and does not want to look out across the road at a trailer park. She asked why King can’t build this housing in Central Lake where there is no zoning, and that King is the only farmer who wants housing and there is no need to rezone for one person. B. Petersen commented there is already farm labor housing on the King property across the road from Rutledge and this is an improvement of what is already existing. He also stated the proposed changes to the ordinance are intended for improvement and are not geared for 1 person.

Stridiron confirmed with the other commissioners they had all been to the site and were knowledgeable and prepared to discuss. The Commissioners had all been to the site and were prepared. Rutledge asked how this helped her. Graber stated she had given a copy of the site plan to Rutledge, who stated it was not to scale. Stridiron asked King if Rutledge could visit the site. King invited Rutledge to visit the site stating he was leaving as many pines as possible, and the possibility of a privacy fence, and upon driving by, the units may not be visible at all from the road.

1. Jim King spoke next. He addressed concerns regarding children of farm laborers. He stated they go to school in ER and are part of a Migrant Worker Program (in effect for 40+years) He stated Farming is seasonal but it is conducted in EVERY season of the year. In regards to why not Central Lake, King stated he has farms in three townships and this location is central to his operations and all farm jobs. It is in the ER School district, which has requested the children stay in school until count day to receive the federal and state funding crucial to the program. King stated he would like a change made to the amendment regarding the removal of the units upon sale of the property if sold to another farmer. He stated it makes no sense to remove the housing if it could be used by another farmer. King stated in keeping with the Land Use Plan - keeping rural character and preserving agricultural land in the township the township needs to consider that 9 farms of 40+ acres are for sale. Rural character will not be upheld if subdivisions go in. He stated that the minimum 40 acres didn’t apply to him but certainly did to smaller and organic farms and CSAs which are more labor intensive and the township needs to look at the ability to zone housing for the smaller farms as well. King clarified the 70x40=9.8 persons is not accurate as the square footage in the formula is not of the entire home, only the sleeping rooms and thus goes down by 1-2 persons. Rutledge stated there were too many people in one house due Covid 19. She also noted in Chapter 4; section 4.02 she hopes the value of her home does not go down. King stated the family groupings were done long ago and has nothing to do with Covid 19, as the workers live and work in groups and families, none of the dwellings are or will be filled to maximum stats. Stridiron asked if the current housing is inspected by the state of Michigan. King answered yes. Ginger Bardenhagen (Leelanau County) and the government have done all inspections through the Michigan Department of Agriculture Housing Act. Stridiron asked King about temporary workers vs. migrant workers. King stated he can’t operate his farm if only migrant workers are allowed in housing and he needs temporary workers as well. He stated he needs laborers all four seasons. He stated less than 20% of applicants who apply for fruit harvesters are local.

Stridiron called for final comments from the public and there were none.

**5. Close Public Hearing**

Stridiron closed the Public Hearing at 7:45pm

**6. Break**

**7. Public Commentary**

Stridiron called for commentary from the public (not having to do with the Public Hearing topic)

Carleton read into record an email received from Lee Scott regarding Keep Torch Lake Blue signs his request to appeal current zoning to approve the placement of yard signs provided by the Torch Lake Protection Alliance.

**8. Consideration of Agenda**

Kulka made a motion to accept the agenda; motion was seconded by Petersen. Stridiron called for comments and vote 7/0; motion carried.

**9. Approval of Minutes**

The following corrections were made

1. Item 4 - regarding the vote on the motion by Petersen to strike item 5 from the agenda. Kulka voted NO due to his wanting to keep the agenda as written.
2. No bold on item 5
3. Item 5, Chapter 3A - Signs was tabled until the next meeting

Kulka made a motion to approve meeting minutes from July 20, 2020 with aforementioned corrections, Carleton seconded motion, Stridiron called for final comments and vote 7/0 motion carried.

**10, Unfinished Business**

**10A. Chapter 6 - Agriculture - Mobile Homes**

Stridiron asked the commissioners if any conflict of interest existed. Shoemaker stated that his wife works for Jim King, but did not feel this is a conflict of interest. Stridiron asked Shoemaker if he felt he should be recused and Shoemaker stated he did not. The commissioners determined there was not a conflict of interest.

Stridiron distributed draft copy Chapter 6 “A” Agricultural Zone migrant housing mobile homes findings of fact and asked commissioners to review. The commissioners discussed verbiage and language used in the proposed amendment ver 2; 7.16.20 as well as number of workers needed for various farm sizes, number of occupants in farm labor housing and acreage requirements for number of units of farm labor housing and that the housing outlined in the ordinance will in no way be used for profit. The commissioners also discussed the removal and or keeping of the units upon sale of the property as well as zoning as permitted use vs. special use permitting.

Petersen made a motion for the approval of the draft version 2; 7.16.20 with the following changes; and to send to the County Planning Commission and TLT Board for approval.

1. Chapter 23 definitions - Tenant House - remove the word “temporary”, remove “where agricultural labor is in demand.”

to now read: *Tenant House: A single-family residential dwelling which is leased by a farming entity for farm labor for the purpose of providing housing.*

1. Remove the word “temporary” in all four (4) places it appears
2. Replace “temporary” in last use of the word with “farm worker”
3. Add “Unless permitted use is continued”

For clarification Chapter VI; Section 6.02 Item J. is to read as follows.

J. Addition of mobile homes on any farm for use as housing for farm workers of the owner is acceptable provided the mobile homes are placed in a manner that provides adequate space for separation of at least 50 feet apart, no more than 4 mobile homes are allowed on any parcel. Septic, drain fields and wells must be approved by the Antrim County Health Department. All housing must be rent free to farm workers. Such mobile homes cannot be sold separately and may remain as long as farm owners that placed the structures remain owners and farming operation continues. If property is sold, farm worker housing shall be removed prior to the completion of sale unless the Zoning Administrator approves the transfer to be maintained as a farm. Minimum parcel size is 40 acres.

Motion by Petersen was seconded by Shoemaker. Stridiron called for further discussion and Roll Call vote 7/0 motion carried. STRIDIRON REQUESTED MIGRANT HOUSING-MOBILE HOMES FINDING OF FACT BE ATTACHED AND INCLUDED IN THE MINUTES.

**10B. Chapter 3A - Signs**

The commissioners discussed the need for an ordinance for yard signs. Discussed was the protection of first amendment rights, consulting the township attorney and drafting an ordinance. KULKA made a motion to request the township attorney write the ordinance AND THE ATTORNEY THE DRAFT INTENT OF THE PLANNING COMMISSION AND ZONING ADMINISTRATOR.. Motion was seconded by Stridiron. Stridiron called for further comment. Petersen stated he would not like to see the township charged at the attorney’s rate a minimum of $1500 for an ordinance due to one organization’s desire to place signage, he stated there is 1 request, zero complaints and that the board is hiring a planner and because this isn’t and shouldn’t be hurried, let that be the planner’s first task Hawkins stated he does not feel the PC is ready to consult with the atty yet and should spend time discussing further and possibly put a draft together first. Kulka commented that a lawyer would be quicker. Carleton stated signage should be allowed and limited only by sight interferences. Stridiron called for vote 3 yes/4 no - motion not carried. (NO votes were Jorgensen, Petersen, Hawkins and Stridiron. YES votes were Kulka, Carleton and Shoemaker). Thus, a special committee was formed to research and draft a proposed ordinance for signage. Stridiron appointed Carleton and Hawkins to the committee. Stridiron asked the committee to meet as soon as possible with Deb Graber and have something for next month’s meeting. TOM JOSEPH (TLPA) thanked the PC for its time stated Torch Lake Township is the only township not allowing the signs and there is no risk to the township by allowing them. He asked about a temporary 90-day permit and the commissioners discussed if a special permit was a possible solution to his signs - Graber stated it was not.

**11. New Business - A-Ga-Ming PRD Amendments - Add golf cart storage barn and replace existing pro shop with larger structure and deck.**

Stridiron asked if all the commissioners had been to inspect the site of the proposed permit and all stated they had. Petersen made a motion to accept the revised application to amend the PRD at A-Ga-Ming pursuant to application and permit #2020-33 submitted 7/24/20 by Kerry Smith, Builder LLC for A-Ga-Ming Golf Resort. Motion was seconded by Kulka. Stridiron called for further discussion and vote 7/0; motion carried.

**12. On Going Reports**

**12A. Zoning Administrator’s Report**

Graber distributed an updated *Checklist for June 2020* and TLT 2020 Land Use Permits spreadsheet through Permit #2020-39, and ZBA Appeals ZBA 2020-3. on-going permit status, and current zoning applications were summarized as well. Petersen 31 has new owner; Airport has new owners. Graber reports 40 permits to date, lots going on, 3 more Short Term rentals notified. Graber also stated that the Keep Torch Lake Blue signs can be placed on the lake side of homes.

**12B. PC Representative on ZBA Report**

Shoemaker requested time for the ZBA be added to next month’s PC agenda

**12C. TLT Board Representative on PC Report**

Nothing to report

**13. Correspondence, Meetings, Training Announcements**

Sharon Shultz (TLT Treasurer) stated that the MTA (Michigan Township Authority) is an excellent source for the special committee formed to draft a proposed ordinance for signage.

**8. Public Commentary**

Stridiron called for public comments and there were none.

**11.**  **Adjournment - 9:22pm**

With nothing further, a motion was made by Shoemaker to adjourn, the motion was seconded by Kulka; Stridiron called for further discussion and vote passed 7/0.