

## Ellington Township Planning Commission Board Meeting September 15, 2015

Chairperson George Mika called the meeting to order @ 7:30 p.m. at the Ellington Township Hall.

Members Present: Ed Traster, Joddy Ehrenberg, Eugene Davidson, George Mika, and Dwain Ewald.

1 Visitor present

Minutes from previous meeting were read and accepted as amended.

Old business: Status of the escrow account for the windmills. Payroll for board will come out of Windmill escrow account when application for permits are submitted.

New business: Mr Peter's property – regarding letter from Drillock Law Office was read with attached zoning permit and survey. Copies are attached with minutes.

Board Appointments & Oath of Offices: Ed Traster as Floater and will still receive earnings. We will have elections at the next meeting and the oath of officers will be done.

There were no zoning permits issued.

Public Comment: No comments or questions.

Duane Lockwood stated that Jeff Brinkman wasn't happy with the approach work on both sides of Jacob and Lazell Roads.

Next meeting schedule will be November 17, 2015.

Joddy Ehrenberg made the motion to adjourn the meeting @ 8:36 p.m. and Ed Dwain Ewald second. Motion passed with full vote.

Joddy Ehrenberg  
Ellington Township Clerk

**DRILLOCK LAW FIRM**

3030 MAIN STREET

MARLETTE, MICHIGAN 48453 1283

Telephone: (989) 252-7505

Fax: (989) 252-7508

**Linda R. Drillock**

**W. J. Drillock (Retired)**

May 19, 2015

The Ellington Township Board  
2791 E. Caro Road  
Caro, MI 48723

Tuscola County Zoning Administrator  
1309 Cleaver Road  
Caro, MI 48723

Re: Parcel No. 008 026 000 8000 02  
Putnam / Peters

Dear Sir or Madam:

Enclosed please find a copy of the Township of Ellington permit application with reference to the common address of 4001 East Deckerville Road, Cass City, Michigan. Also please find enclosed a copy of a survey recently completed by Muxlow Surveying and Engineering. You will note that the subject building was not built with the set-back as indicated in the application filed under oath. In fact, the building is virtually on top of the neighbor's property and the roof actually overhangs the property line.

This is certainly not a situation in accordance with the zoning ordinance and it is not exactly a simple little matter to resolve as the building is enormous. Mr. Peters, the neighbor, has been most chagrined with this process and the fact that he has not been protected by the Zoning Ordinance. This is true, notwithstanding the fact that Mr. Peters has, on multiple occasions, informed the supervisor or other personnel that the building was being built virtually on the line.

Unfortunately, this is not only a situation of violation of the setback for the building, but it is an enormous building in proximity to the Peters' dwelling. Mr.

Application No: S-196

Township of Ellington  
Tuscola County

Application for Zoning Permit, Land Use Permit

1. Application is hereby made by the undersigned to :

- (☒) construct new Building ( ) alter existing building  
( ) use land / building ( ) add to existing building

30x60x140x60 Pole barn

2. The applicant (s) is/are: (☒) the owners ( ) optionee or leaseholder (☒) acting on behalf of the owner(s) of the property involved.

3. Address of the property involved: 4001 ~~3175~~ E. Deckerville Rd Cass City

4. Legal description: 008-026-000-0800-02

5. Present Zoning AFR

11. Building height (stories) 1

6. Lot area 2 acres

12. Total floor area 10,200 sq ft.

7. Average lot width 200

13. Number of bedrooms —

8. Front yard setback 240'

14. Off street parking —

9. Side yard setback 30 / 20

15. Area of basement —

10. Rear yard setback 50'

16. Number of new Buildings 1

17. The original and one (1) copy of a plot plan, drawn to scale, and showing existing and proposed buildings and structures for said property shall be submitted with this application.

18. New buildings must supply a copy of sewage disposal system permit where applicable.  
Permit No. N/A

I/We Karee Putman do hereby swear that the above information is true and correct to the best of my / our knowledge.

Date: 10-29-13 Telephone: 989-325-0081

Applicant: Karee Putman

Address: 9802 N Shore Dr. Pigeon, MI 48755

Fee received: \$30.00

Zoning Administrator: Stacey Campbell

A zoning compliance permit for this use of said property is hereby: (☒) Granted ( ) Refused for the following reason(s) —

Date: 10-29-13

Zoning Administrator: Stacey Campbell

A building construction permit must be obtained from the appropriate county official. One (1) copy retained by the zoning official and one (1) copy given to the applicant.

### Ellington Township Zoning Ordinance Amendments

A Zoning Ordinance amendment was adopted by the Township Board, Tuscola County on January 13, 2013.

The amendments regulate the development of Wind Energy Conversion Systems. Wind Energy Conversion Systems were listed as a special use in the AFR Agriculture & Forestry Residential District (Article 5, Section 5.02) and removed from all other districts other than the AFR District. The Wind development regulations were then moved from the Special Provisions article and included in the Special Use portion in the AFR District.

The regulations in 5.02, IV, include provisions for:

- Site plan requirements
- Avian and wildlife impact analysis
- Visual impact
- Environmental impact analysis
- Complaint resolution
- Compliance with FEMA
- Lighting
- Designation in the Plan and Esrow
- Safety
- Buffer
- Noise level
- Electromagnetic interference
- Setbacks
- Access roads
- Shadow flicker

The effective date of the ordinance will be 7 days after publication date. As of February 1, 2013 a full copy of the zoning ordinance will be available at the Ellington Twp. Hall by calling 936-670-6667 for appointments. You may also go online to view the ordinance @ [www.ellingtontwp.org](http://www.ellingtontwp.org)

Ellington Twp. Clerk  
Jody Lehmanburg

## Ellington Township Planning Commission Board Meeting June 10, 2015

Chairperson George Mika called the meeting to order @ 7:30 p.m. at the Ellington Township Hall.

Members Present: Ed Traster, Joddy Ehrenberg, Julie Holmes, Eugene Davidson, George Mika, and Dwaine Ewald.

5 Visitors present

Minutes from previous meeting were read and accepted as read.

Old business: Mr. Peters hired Linda Drillock Law Office. Bill Putnam survey was provided to our attorney. Case is closed.

George Mika discussed the zoning class that Joddy Ehrenberg and George Mika had taken k@ Mt. Pleasant.

New business: We received the amended zoning books and each member did receive them.

George Mika and Duane Lockwood discussed the escrow account which needs to be setup for the wind turbines for Sections; 1, 2,3, 4, 5, 6, 7 & 8. Dave and Mark @ Nextera are trying to have a meeting in July, which will require a special meeting.

George Mika introduce to the board, Brian Gardner from Taylor-Butterfield Attorney's Planning Commission procedures and duties, which the 14 Memorandums are attached to the minutes.

George Mika discussed the Zoning Board of Appeals as follows: Secretary – Julie Holmes, floater; Ellington Township Board Member - Duane Lockwood and Planning Commission Member – Ed Traster.

George Mika discussed the Planning Commission Board as follows: Chair - George Mika, Ellington Township Clerk – Joddy Ehrenberg, Board Member – Dwaine Ewald, Board Member Eugene Davidson and Board Member - Ed Traster.

Public Comment: No comments or questions.

Next meeting schedule will be September 15, 2015.

Dwain Ewald made the motion to adjourn the meeting @ 10:01 and Ed Traster second. Motion passed with full vote.

Joddy Ehrenberg  
Ellington Township Clerk

**ELLINGTON TOWNSHIP PLANNING COMMISSION**

**AGENDA**

**MEETING DATE: June 10, 2015**

**CALL TO ORDER: Pledge of Allegiance**

**READING OF PREVIOUS MEETING MINUTES:           OK                   AS AMENDED**

**OLD BUSINESS:   None?**

**NEW BUSINESS:**

Updated Zoning manuals for distribution

Wind Farm progress update

Wind Farm Escrow account

Taylor-Butterfield   Gary Howell/Brian Gardner   Planning Commission procedures and duties

**PUBLIC COMMENT:**

**BOARD MEMBER COMMENT:**

**MEETING ADJOURNED:**

## Ellington Township Planning Commission Board Meeting March 17, 2015

Chairperson George Mika called the meeting to order @ 7:30 p.m. at the Ellington Township Hall.

Members Present: Ed Traster, Joddy Ehrenberg, Julie Holmes, Eugene Davidson, George Mika, and Dwaine Ewald.

2 Visitor present

Minutes from previous meeting were read and accepted as read.

Old business: Disputed property lines between Mr. Peters and Mr. Putnam. Mr. Peters is taking it to court.

Update on zoning books are online @ Spicer's website. ([spicer.com](http://spicer.com)) we will need about 30 books.

New business: Zoning fees schedule for the wind farm, Spicer will provide.

Nextera is still leasing ground, possible meeting mid-summer. The permits will be done in 2015 and construction to begin 2016 possible. 100 mega hertz project +or – 50 turbines.

Jason Kappen bought Lopez parcel on Tomlinson Rd; same footings as per Duane.

Next meeting schedule will be June 16, 2015.

Dwaine Ewald made the motion to adjourn the meeting @ 8:30 and Ed Traster second. Motion passed with full vote.

Joddy Ehrenberg  
Ellington Township Clerk

## Ellington Township Planning Commission Board Meeting November 18, 2014

Chairperson George Mika called the meeting to order @ 7:36 p.m. at the Ellington Township Hall.

Members Present: Ed Traster, Joddy Ehrenberg, Julie Holmes, Eugene Davidson, George Mika, and Dwaine Ewald.

3 Visitors present.

Minutes from previous meeting were read and Ed Traster made motion to accept minutes with corrections and Eugene Davidson second. Motion passed with full vote.

Duane Lockwood discussed that the changes of the ordinance has been turned into the county with the corrected minutes.

There was no old business.

Discussion of the new barns at Mrs. Smith's place. Duane Lockwood told Craig that they need to get the trailers out.

George Mika asked if Stacy Campbell can give a report on the permits given.

Next meeting schedule will be March 17, 2015.

Ed Traster made the motion to adjourn the meeting @ 8:05 and Julie Holmes second. Motion passed with full vote.

Joddy Ehrenberg  
Ellington Township Clerk



Ellington Township Planning Commission  
Board Meeting  
October 28, 2014

Chairperson George Mika called the public hearing meeting to order @ 7:32 at the Ellington Township Hall.

Members Present: Ed Traster, Julie Holmes, George Mika, Eugene Davidson, Dwain Ewald and Joddy Ehrenberg.

6 Visitors present.

Minutes from previous meeting were read by Joddy Ehrenberg and approved as read.

Public hearing notice was read by George Mika, which was placed in the Advertiser and Cass City Chronicle.

George Mika informed the purpose of the public meeting was to discuss and receive public input regarding additions and improvements to current zoning language for wind farms and to determine if said additions and improvements should be recommended to the Township Board.

Public comment was limited to 5 minutes per person.

George Mika gave the background of how we got to this point, which was read as follows: Ellington Township has contracted Spicer Group to obtain their assistance to develop plans and procedures for permitting wind power generation that will protect the interests of the township and its citizens. Spicer Group has relevant experience assisting neighboring townships with wind farm developments. Spicer representative Rob Eggers has worked with board to identify areas in or zoning that could be strengthened and enhanced.

Meeting was opened to public comment.

Bob – on Akron Rd was concerned about the decibels of sound.

Mr. Trumbauer stated 50 to 55 decibels for sound that the county levels are 65 decibels. He also stated that Nextera Energy is currently leasing land, that the construction would begin in year 2015 and that the operation dated was to be year 2016.

Becky – was whether the two school districts would profit? The schools would receive some revenue.

Mr. Trumbauer did state that Nextera has its own rescue team and there would be training for the local fire department.

The State of Michigan also ruled that 80% of content has to be Michigan made.

George Mika closed the public comments.

Eugene Davidson made the motion to recommend and accept the changes to the zoning ordinance involving the wind turbines, Ed Traster seconded, and the motion passed by full vote.

George Mika explained what would happen next: The planning commission board will send the draft wording to the county planning commission for county approval. If approved, the board will send a recommendation to the township board. The township board will then determine implementation. If approved, a notice of the new wording will be published in the local newspapers and take effect thereafter.

George Mika introduced Joddy Ehrenberg as the new board member and the township clerk.

The next meeting will be November 25, 2014. Minutes were corrected to change the date of the meeting to November 18, 2014.

Julie Holmes made the motion to adjourn and Ed Traster supported and motion was passed by a full vote.

Meeting was adjourned @ 8:33.

Ellington Township Planning Commission  
Board Meeting  
September 30, 2014

Chairperson George Mika called the public hearing meeting to order @ 7:30 at the Ellington Township Hall.

Members Present: Ed Traster, Julie Holmes, George Mika, Eugene Davidson, Dwain Ewald.

3 Visitors present: David Hollander and Mark Trumbauer representing Nextera Energy and Duane Lockwood.

All present were asked to observe a moment of silent prayer to acknowledge passing of Fred Bardwell.

Minutes from previous meeting were read by Mika and approved as read.

Mika Identified one error on page 18, paragraph 4c that referenced incorrect references to the zoning ordinance. Reference to section 705 should be changed from 90 to 120 days to submit documentation of sound level measurements.

After further discussion, no other changes were recommended.

Meeting opened for public comment.

Mr. Trumbauer indicated the project would be a \$300,000,000 investment. Turbines used may be a 2 megawatt which is larger than currently installed units. Blades would be 116 meter vs. the 103 meter blades now used. If 2 megawatt turbines are used, it may reduce the number needed. Cost of each turbine is approximately \$2,500,000.

Timing will be approximately 2 years to start the project. 18 months for permitting.

Mr. Trumbauer discussed the process to remove land to be used for the laydown yard and collection substation from PA116. Laydown yard is temporary, substation is permanent.

Mr. Lockwood asked if the township could get access to the gravel used for corners etc. after project is complete. Mr. Trumbauer indicated that is a subcontracted service and the township would need to go through the contractor, not Nextera.

Nextera standard is to place turbines no closer than 1400 feet from an occupied residence. Sound and shadow flicker may also determine where turbines are placed.

Nextera plans to host open houses before the public hearings.

Salvage value is calculated by determining the cost to remove the turbine less the salvage value of the scrap materials.

Mr. Trumbauer also discussed small parcel leasing for properties that do not have turbines.

Nextera is interested in contributing to community projects.

Public comment closed.

Mika asked if there were any more questions or discussion on the recommended changes, adding and incorporating the new wind energy conversion systems language into the Ellington Township Zoning Ordinance.

Ed Traster moved to accept additions with corrections as discussed. Support by Dwain Ewald.

Motion passed by full vote.

Date for the public hearing regarding these additions was set for October 28, 2014 at 7:30 p.m.

Motion to adjourn by Ed Traster. Support by Dwain Ewald.

Motion was passed by a full vote.

Minutes submitted for approval by George Mika.

Ellington Township Planning Commission  
Board Meeting  
September 16, 2014

Chairperson George Mika called the public hearing meeting to order @ 7:30 at the Ellington Township Hall.

Members Present: Ed Traster, Julie Holmes, George Mika, Eugene Davidson, Fred Bardwell.

Member Absent: Dwain Ewald

9 Visitors present.

Minutes from previous meeting were read by Secretary Bardwell and approved as read.

Mr. Bardwell updated the Board regarding the cancellation of the McAfee hearing to rezone Hartel property. Also discussed recent development regarding Cass City Fire Department beginning to invoice the property owner for fire runs.

Mr. Mika explained this meeting was one of the regularly scheduled quarterly meetings the Board is required to conduct. He also explained that the Township Board had signed a contract with Spicer Group to provide expertise and guidance with wind generation as a result, Mr. Eggers was asked to review our ordinance and submit recommendations.

Meeting was then turned over to Rob Eggers from Spicer engineering for presentation of proposed wind development changes to Ellington Township Zoning Ordinance.

Mr. Eggers gave Board Members a draft copy of the proposed changes. Explained that the changes make the ordinance very much the same as other Tuscola County Townships.

Mr. Eggers recommended the Township remove the special use permit language from every district as that is the only place wind towers will be allowed.

Other language in other places of the ordinance would be changed to reference the ag district.

Text highlighted in red is current language. Text highlighted in blue is proposed language.

David Hollander of Nextera explained the Nextera project is a 10 megawatt project. Number of turbines will be about 59-60 and located in Almer and Ellington Townships. No current estimate for number that would be placed in Ellington.

Tom Von Bisch of Nextera indicated the application for special use permit time frame would not be before the end of this year.

Mr. Von Bische requested a copy of the draft ordinance so they could review and get their designers looking at what will be required.

Mr. Mika suggested the Board members take the draft home and review for possible changes or corrections if appropriate.

A follow-up meeting date of September 30, 2014 at 7:30 pm was discussed and agreed upon.

Motion to adjourn by Ed Traster. Support by Julie Holmes.

Motion was passed by a full vote.

Meeting adjourned 9:35 p.m.

Minutes submitted by Fred Bardwell.

**Ellington Township  
2979 East Dutcher Road  
Caro, Michigan 48723**

**Ellington Township Planning Commission.**

**June 17, 2014**

The regular meeting of the Ellington Township Planning Commission was called to order by George Mika at 7:30 PM June 17, 2014, at the Ellington Township Hall. Present were George Mika, Fred Bardwell, Julie Holmes, Ed Traster, Eugene Davison, and 1 visitor.

The minutes of March 18, 2014 were approved as read.

Mr. Robert Eggers of the Spicer Group was introduced. He has been working with DTE, Nextra, and North Star, all located in Tuscola County, in regards to wind turbines.

Mr. Eggers explained that his company reviews local planning ordinances to make sure requirements are met.

The basic presentation contained the following facts.

- Wind Turbines are here: In 2008 the State set standards to reduce energy.
- 10 % of Michigan's electricity must be renewable by 2015.
- Solar energy did not work and dams were not feasible.
- The majority of the wind is on the shore line.
- 1500 to 2800 Wind Turbines are required to meet the 10 % guidelines.
- There are tax incentives provided to meet 2015.

Studies indicate that the wind turbines produce electricity 25 to 40 per cent of the time; bases on available wind.

The type of services provided by Spicer are:

- Typically fees are covered by the developer (escrow)
- Suggested set backs from homes
- Flicker / Noise studies
- Spicer has shown that flicker will affect the homes
- Provides suggestions for decommissioning wind turbines
- Makes suggestion regarding underground lines.

Duane Lockwood and George Mika noted that the bond for the met tower had been received. Mr. Lockwood noted the packet had not arrived from the attorney, but it has been sent.

Robert Eggert is to review the master and zoning ordinance and Brian is to verify the existing stipulations.

Mr. Bardwell reviewed the Elmwood Master Plan and its fit with the Ellington Township Master Plan with the members present and following discussion Mr. Bardwell moved the Ellington Planning provide approval to Elmwood. Support was provided by Eugene Davison and the motion passed by a full vote.

It was noted that Bryan is to proceed with the blight ordinance violations against Mr. Smith.

The meeting was adjourned by a motion from Ed Traster. Support was provided by Duane Lockwood and

**the motion passed by a full vote.**

**Fred Bardwell**



**Ellington Township**  
**2979 East Dutcher Road**  
**Caro, Michigan 48723**  
**Ellington Township Planning Commission.**  
**March 18, 2014**

The regular meeting of the Ellington Township Planning Commission was called to order by George Mika at 7:30 PM March 18, 2014, at the Ellington Township Hall. Present were George Mika, Fred Bardwell, Julie Holmes, Ed Traster, Dwaine Ewald, and no visitors.

The minutes of November 13, 2013 were approved as read.

Mr. Bardwell noted the following:

- The Township was currently negotiating with Emterra for a new five year contract.
- It appears that NexEra Energy Corporation and Tower Associates will be requesting a Met Tower to be placed in section 6 of Ellington Township. It also appears that they are interested in sections 4, 5, 6, 7, & 8 for possible sites for wind turbines. We currently are not aware of any signed contracts in those particular sections. The Planning Commission has the responsibility to review and make a decision on the request, when it is applied for.

It was noted that the next scheduled meeting will be held on June 17, 2014 at 7:30 PM at the Ellington Township Hall.

The meeting was adjourned by a motion from Ed Traster. Support was provided by Duane Ewald and the motion passed by a full vote.

Fred Bardwell

**Ellington Township  
2979 East Dutcher Road  
Caro, Michigan 48723**

**Ellington Township Planning Commission.**

**November 13, 2013**

The regular meeting of the Ellington Township Planning Commission was called to order by George Mika at 7:30 PM September 11, 2013, at the Ellington Township Hall. Present were George Mika, Fred Bardwell, Julie Holmes, Ed Traster, Eugene Davison, Dwaine Ewald, and 1 visitor.

The minutes of September 13, 2013 were approved as read.

Mr. Lockwood noted the following:

- The wind generation people were back in the township. They had started in Columbia Township and to receive Federal Funding, they must be completed by the end of December 2013.
- The state is starting to audit the assessors in Tuscola County.

Mr. Bardwell noted that the only recent construction is the house and pole building on Dutcher Road.

It was noted that the next meeting will be held on March 18, 2014 at 7:30 PM at the Ellington Township Hall.

The meeting was adjourned by a motion from Ed Traster. Support was provided by Duane Ewald and the motion passed by a full vote.

Fred Bardwell

**Ellington Township  
2979 East Dutcher Road  
Caro, Michigan 48723**

**Ellington Township Planning Commission.  
September 11, 2013**

The regular meeting of the Ellington Township Planning Commission was called to order by George Mika at 7:30 PM September 11, 2013, at the Ellington Township Hall. Present were George Mika, Fred Bardwell, Julie Holmes, Ed Traster, Eugene Davison, Dwaine Ewald, and no visitors.

He minutes of the June 13, 2013 were approved as read.

There was a short discussion regarding the overlap of the City of Caro Fire meetings and the Township Planning Commission meetings. Following a short discussion, Eugene Davison moved the Planning Commission meetings, starting in 2014, be held on the third Tuesday of the applicable months. Support was provided by Duane Ewald and the motion passed by a full vote.

There was a short discussion, regarding the Township insurance and the wind turbine situation in Ellington Township. It was noted that at the present, there were very few parcels leased and that the large farms on the ridge, were not interested. Part of the problem is that the leases are for 99 years and that in the irrigated fields, they would pose a problem.

The next meeting is scheduled for November 13, 2013.

The meeting was adjourned by a motion from Ed Traster. Support was provided by Julie Holmes and the motion passed by a full vote.

Fred Bardwell

**Ellington Township**  
**2979 East Dutcher Road**  
**Caro, Michigan 48723**  
**Ellington Township Planning Commission.**  
**June 13, 2013**

The regular meeting of the Ellington Township Planning Commission was called to order by George Mika at 7:30 PM June 13, 2013, at the Ellington Township Hall. Present were George Mika, Fred Bardwell, Julie Holmes, Ed Traster, Eugene Davison, Dwaine Ewald, and no visitors.

Only George Mika was present for the March Planning Commission meeting.

There was a short discussion regarding the splits on Deckerville Road.

In addition, a short discussion regarding the County Mosquito Abatement Program and the upcoming road side cutting took place.

The next meeting is scheduled for September 11, 2013.

The meeting was adjourned by a motion from Ed Traster. Support was provided by Eugene Davison and the motion passed by a full vote.

Fred Bardwell