

**ROSE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING**

**AGENDA
January 6, 2022**

1. **Call the meeting to order**
2. **Roll Call:** Stanczyk, Holton, Brooks, Bolan, Noble, Jung, Lynn
3. **Approval of Agenda**
4. **Minutes: Additions, corrections and/or approval**
 - A. Regular Meeting Dec. 2, 2021
5. **Public comments on agenda items (excluding Public Hearing)**
6. **Communications**
7. **Committee Reports**
8. **Public Hearings (Notification as required by State law)**
9. **New Business**
 - A. Election of Officers
10. **Unfinished Business**
 - A. Oak Wilt Control Ordinance
11. **Tabled Items**
12. **Discussion Items**

Announcements

 - A. Rose Township Board Report-Glen Noble
 - B. Comments by Township Planner.
 - C. Next Regular Planning Commission Meeting February 3, 2022 7:00 PM Rose Twp. Offices, 9080 Mason Street, Holly, Michigan (tentative).
 - D. Next Regular N.O.C.F.A. Meeting, January 15, 2022, 3:00 PM Holly Township.
 - E. Next Regular Township Board Meeting January 12, 2022, 7:00 PM
 - F. Zoning Board of Appeals, January 4, 2022, 7:00 PM, Rose Township Hall. (tentative)
14. **Open the meeting to the public**
15. **Adjournment** A. Motion _____ B. Time _____ PM

8. PUBLIC HEARINGS: (Notification as required by State law)

None

9. NEW BUSINESS:

None

10. Unfinished Business:

A) Oak Wilt Ordinance

Borden discussed the Oak Wilt Control Ordinance: He made a basic draft with background, intent and purpose for regulations, how they apply, and a violation enforcement section. Also, a section for Suggested Best Practices for Private Property, but that last section might be best not as an ordinance. Suggestions on where this should be placed: landscape, zoning, create a new chapter, etc.

Background, Intent and Purpose: The six points might be too much, but he would rather give too much information and have the Commission remove items.

Protective Measures and Applicability: Discussed the three points.

Violations – discussed the three points.

Suggested Best Practices for Private Property – Not necessary to have in the ordinance if the commission wants to remove it.

Jung stated Background, Intent and Purpose is fine and should be left in. Protective Measures and Applicability should have added verbiage. Suggestions on the verbiage of #1 and #2. Suggested Best Practices for Private Property – not sure if it should be added; It is more educational.

Brooks stated – The call of action is to revise it and make a recommendation to the board for adoption of this ordinance.

Bolan questioned what happens if people ask for the wood? Suggested first hard frost rather than 50 degrees. Borden responded it will be difficult to enforce the 50 degrees. Bolan stated he thinks this is strictly educational.

Stanczyk – Questioned how many people can tell what the difference is between a red oak, pin oak, white oak, etc. Jung responded it should be for all oaks, not just red oaks. Stanczyk suggested having an educational day on this.

Jung – stated we are missing a sentence, that it should be focused on the groups coming in to trim the trees.

Plewes – Stated that they will come in every 5 years or so. Suggested having it on PEG channel, newsletters, etc. to get the information out. Try to regulate the tree companies and educate the residents. Borden responded by suggesting to send ordinance to appropriate parties.

Lynn – Is good with what is in the ordinance and Jung suggestions. Suggested correcting spelling errors.

Holton – Doesn't state who the ordinance is for. Suggested putting in something about who it is for (not residents/owners). Borden responded that public rights-of-way are not private

property and RCOC should be contacted. Easements are private property, but doesn't think the intent was for owners.

Bolan – suggested a time-frame to take the infected debris away. Plewes responded that on inspection, any having indication of oak wilt should have to be removed within 7 days.

Borden will add the responsible party to #1. He will work on the wording for Protective Measures and Applicability.

Borden – “Trees with signs of oak wilt shall not be left on sight and shall be disposed of immediately.” We need to reach out to the contractors hiring those companies cutting down the trees to make them aware of the ordinance.

Noble – many different types of easements-should consider the term temporary easement as well as permanent easement. This should be for trimming and pruning, not for logging. Needs to be the contractors/sub-contractors this ordinance is for.

Bolan – fine with the ordinance as written. Wants “Suggested...” as educational only. Prefers March 15 thru October 31.

Brooks – 1) contractor needs to identify any oak wilt in cut branches. 2) employ best practices of disposal.

Noble – Pruning only happens once every five years or so. Suggested to remove the word “logging”. Borden suggested adding the word “removal” to the list. Noble suggested adding stump removal and/or burying stump.

Changes to be made:

Background, Intent and Purpose – none

Protective Measures and Applicability – Item 1: add “permanent or temporary” in front of utility easements/corridors. Change April 1 to March 15. (no temperature). Item 2 paragraph 2: add “baring stumps” after grinding stumps. Add a time frame for removal/disposal. Item 3: Change April 1 to March 15.

Also: Time frames for removal/disposal; Responsibility for said treatment, whether owner, utility provider or easement holder and/or subcontractor; Trees or trimming with oak wilt to be disposed of in accordance with provisions of this new section; separating out “Suggested Best Practices for Private Property.”

Could possibly add it to “Chapter 12: Environment” Chapter 1. Or add it to the end of article #1. Or put on end as article #7.

Borden will reformat it to make it fit in.

Suggested Best practices: Do not put it in as an ordinance, keep it as educational information for the public. All in agreement.

Borden doesn't want to put this on the books for next month. Stated it doesn't need to be completed until next March.

Stanczyk-wondering how we will get the info out to the public. Suggested we do something within the Township to let people know.

11. Tabled Items:

None

12: Discussion Items:

None

13. Announcements:

A. Rose Township Board Report-Glen Noble: Supervisor talked with someone and decided to create this ordinance.

B. Comments by Township Planner-Brian Borden: Discussed a House bill.

C. Next Regular Planning Commission Meeting: January 6, 2022, 7:00pm

D. Next Regular N.O.C.F.A. Meeting: December 21, 2021, 3:00pm

E. Next Regular Township Board Meeting: December 8, 2021, 7:00pm

F. Zoning Board of Appeals: December 7, 2021, 7:00pm (tentative)

14. Open the Meeting to the Public:

Debbie Miller – Wood cutting-any lumber will be taken by public because of cost of heating your houses. Suggested a video be made and put on PEG channel.

15. Adjournment: 9:10pm

Motion to adjourn by Stanczyk. Seconded by Lynn. All said aye. Meeting adjourned at 9:10pm.

Approved/Corrected

Debbie Miller, MMC, MiPMC II
Rose Township Clerk

Chapter 12 ENVIRONMENT

ARTICLE VII. – OAK WILT

Section 12-333. – Background, Intent, and Purpose

1. This Ordinance sets forth protective measures to preserve the Oak tree population and to prevent and protect against the spread of Oak Wilt.
2. Oak Wilt is the systemic, lethal disease of Oak trees (*Quercus* spp.) caused by the fungus *Bretziella fagacearum* (formally *Ceratocystis fagacearum*). Trees can die within weeks or months after being infected.
3. The fungus causing Oak Wilt is spread in three ways:
 - a. above ground by Nitidulids beetles that carry spores from fungal pads on infected trees into wounds on healthy oak trees;
 - b. underground from tree to tree by underground root grafts (contact) from infected trees to healthy trees (oaks within approximately 100 feet of each other can contract the disease in this manner); and
 - c. movement of infected firewood from one location to another.
4. When an Oak has wilted and died, it may produce a fungal mat below the bark. On the mat are spores responsible for the fungus that produces and spreads Oak Wilt. When a mat ferments, it produces a fruity aroma that attracts vectors (sap-feeding beetles) which then come in contact with the spores and then spread the spores to once healthy oak trees.
5. Oaks can be divided into two major families: Red Oaks and White Oaks. The Red Oak family includes pin, northern pin, northern and southern red, black, and scarlet oaks. The White Oak family includes bur, post, white, and swamp white oaks.

Trees of highly susceptible species (Red Oaks) wilt rapidly from the top down and are killed completely within four to six weeks. Moderately susceptible species (White Oaks) wilt more slowly.

6. Oak trees comprise a significant component of the township's natural environment and are a high value species that provide food and cover for game and nongame species, provide building materials, firewood, and greatly contribute to the aesthetic character of the community.

Oak Wilt can have a devastating effect on Oak trees, and threatens the township's Oak forests and woodlots, which can decrease property values, become expensive to manage, and cause detrimental aesthetic consequences.

Sec. 12-334. – Applicability and Protective Measures

1. *Applicability.* Oak trees of any variety within public rights-of-way or utility easements (either temporary or permanent) or corridors shall not be removed, pruned or trimmed between March 15 and October 31.

It shall be the responsibility of the public right-of-way owner, utility provider/easement holder and/or a contractor hired by such entity to follow the provisions established herein.

2. *Protective Measures.* Removal, pruning or trimming necessary to address a matter of public safety shall be exempt from this Ordinance.

However, trees impacted for matters of public safety, winter grooming (between January 1 and March 14), or damaged by accident shall be treated with the best known practices, which include applying a wound dressing such as an acceptable tree pruning sealer or latex paint to mask the exposed wound from contamination.

3. *Time frame and Disposal.* Within 24 hours of removal, pruning or trimming, trees with evidence of Oak Wilt shall be properly disposed of so as to protect against further spread. This includes disposing of cut limbs, debarking cut logs, and grinding or burying of stumps.

Sec. 12-335. - Violations

1. Anyone found to be in violation of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the provisions of this Code.
2. The Zoning Administrator, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate, or restrain the violation.
3. Each day's continuance of a violation shall be deemed a separate and distinct offense. Expenses incurred in connection with such action shall be assessed as damages against the violation.